

REQUEST FOR PROPOSALS

CALIFORNIA COMPREHENSIVE

RESIDENTIAL BUILDING RETROFIT

PROGRAM



RFP #400-09-403
www.energy.state.ca.gov/contracts
State of California
California Energy Commission
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Table of Contents

I. INTRODUCTION	1
BACKGROUND	1
PURPOSE OF RFP	2
KEY ACTIVITIES AND DATES.....	2
AVAILABLE FUNDING	2
ELIGIBLE BIDDERS	3
PRE-BID CONFERENCE	4
PARTICIPATION THROUGH WebEx, THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE	4
QUESTIONS	5
CONTACT INFORMATION	5
FEDERAL AND STATE LAWS, REGULATIONS, AND GUIDELINES	5
KEY WORDS AND DEFINITIONS	7
II. GOALS AND OBJECTIVES	10
ABOUT THIS SECTION	10
BACKGROUND	10
CALIFORNIA COMPREHENSIVE RESIDENTIAL BUILDING RETROFIT PROGRAM CONCEPT	10
THREE-TIERED APPROACH.....	11
<i>The Tier Strategy</i>	11
<i>First Tier</i>	12
<i>Second Tier</i>	13
<i>Third Tier</i>	13
LOCAL GOVERNMENT CONSORTIA	14
COLLABORATION WITH NATIONAL PROGRAMS	15
COLLABORATION WITH STATE AND UTILITY PROGRAMS	16
TARGETING ECONOMICALLY DISADVANTAGED AREAS.....	16
COORDINATION WITH WORKFORCE TRAINING	17
FUNDING LEVERAGE AND SUSTAINABILITY	18
III. PROGRAM PROPOSAL REQUIREMENTS.....	20
PROGRAM PROPOSAL REQUIREMENTS	20
PROGRAM TITLE	20
PROGRAM EXECUTIVE SUMMARY	20
A. PROGRAM DESIGN/EVALUATION CRITERIA	20
B. LEVERAGE FUNDING	20
C. SUSTAINABILITY/LASTING CHANGES IN THE MARKET	21
D. REGIONAL APPROACH.....	21
E. QUALITY ASSURANCE	22
F. CONFORMANCE WITH CALIFORNIA LAW	22
G. COLLABORATION WITH NATIONAL AND STATE PROGRAMS	23
H. TARGETING ECONOMICALLY DISADVANTAGED AREAS	24
I. VERIFICATION OF ENERGY SAVINGS.....	24
J. PARTICIPANT RECRUITMENT AND COMMUNICATION	25
K. PROGRAM COST EFFECTIVENESS	25
L. TEAM ORGANIZATIONAL STRUCTURE	25

M. WORKFORCE DEVELOPMENT AND JOB CREATION.....	26
N. ENERGY, PEAK DEMAND, AND GHG EMISSIONS REDUCTIONS	26
O. TIME CRITICALITY	27
P. PROGRAM TRANSPARENCY AND REPORTING	27
Q. PROGRAM TEAM QUALIFICATIONS AND EXPERIENCE	28
SCOPE OF WORK AND DELIVERABLES	28
TASK 1: CONTRACT MANAGEMENT	29
CRITICAL PROGRAM REVIEWS	31
TASK 2: PROGRAM DELIVERY	33
<i>Deliverables and Due Dates</i>	34
CLIENT REFERENCES	35
IV. PROPOSAL FORMAT AND REQUIRED DOCUMENTS	36
ABOUT THIS SECTION	36
LIMITATION IN THE PROPOSAL FORMAT AND LENGTH	36
NOTICE OF INTENT TO BID REQUIREMENT	36
REQUIRED FORMAT FOR A PROPOSAL	36
NUMBER OF COPIES.....	36
PACKAGING AND LABELING	37
PREFERRED METHOD FOR DELIVERY	37
ORGANIZE YOUR PROPOSAL AS FOLLOWS:	38
<i>VOLUME 1, Administrative Response</i>	38
<i>VOLUME 2, Program Proposal</i>	38
V. ADMINISTRATIVE INFORMATION.....	40
RFP DEFINED	40
EQUIPMENT PURCHASES	40
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	41
COST OF DEVELOPING PROPOSAL	41
DARFUR CONTRACTING ACT OF 2008	42
DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS	42
RFP CANCELLATION AND AMENDMENTS.....	43
ERRORS.....	43
MODIFYING OR WITHDRAWAL OF PROPOSAL	43
IMMATERIAL DEFECT	44
BIDDERS' ADMONISHMENT.....	44
GOVERNING BOARD DOCUMENTATION	44
AGREEMENT REQUIREMENTS	45
INTERPRETATION	45
APPROVAL OF AWARD.....	45
UNSUCCESSFUL PROPOSALS.....	46
APPROVAL OF AWARDS	46
AWARD PAYMENTS AND INVOICING.....	47
GROUNDS TO REJECT A PROPOSAL	47
PROTEST PROCEDURES	48

VI. ARRA SPECIFIC IMPORTANT INFORMATION	50
LEVERAGE FUNDING	50
TRANSPARENCY AND REPORTING	51
INFORMATION ON COMPLYING WITH SINGLE AUDIT ACT	52
PERIOD OF PERFORMANCE.....	52
TRACKING AND REPORTING	52
PROJECT EXTENSIONS.....	52
PROJECT CHANGES	52
REALLOCATION OF FUNDS	53
PROGRAM EVALUATION, PROJECT MONITORING, AND VERIFICATION	53
ENFORCEMENT ACTION.....	53
CRITICAL PROGRAM REVIEWS	54
USE AND DISCLOSURE OF INFORMATION AND REPORTS.....	54
PAYMENT OF PREVAILING WAGES.....	55
VII. EVALUATION PROCESS AND CRITERIA.....	57
ABOUT THIS SECTION	57
PROPOSAL EVALUATION.....	57
<i>Stage One: Fulfillment of RFP Mandatory Format</i>	<i>57</i>
<i>Stage Two: Evaluation of Proposals.....</i>	<i>57</i>
<i>Ranking and Awards</i>	<i>57</i>
<i>Notice of Proposed Award.....</i>	<i>58</i>
<i>Scoring Scale</i>	<i>58</i>
<i>Summary</i>	<i>59</i>
<i>Preference Points</i>	<i>59</i>
<i>Small / Microbusiness.....</i>	<i>59</i>
<i>Non-Small Business</i>	<i>59</i>
<i>Target Area Contract Preference Request.....</i>	<i>59</i>
<i>Enterprise Zone Request.....</i>	<i>60</i>
<i>Local Agency Military Base Recovery Act</i>	<i>60</i>
<i>Disabled Veteran Business Enterprise</i>	<i>60</i>
<i>Incentive Application:.....</i>	<i>60</i>
EVALUATION CRITERIA	60

Attachments

- 1 Contractor Status Form
- 2 Darfur Contracting Act
- 3.1 Certified Small/micro Business, Non-small Business and DVBE Certification Instructions
- 3.2 [Disabled Veteran Business Enterprise Program Requirements](#)
- 3.3 Disabled Veteran Business Enterprise Declarations (Std 843)
- 3.4 Bidder Declaration form GSPD-05-105
- 4 Contractor Certification Clauses
- 5 Client References
- 6 Sample Standard Agreement (to be provided in an addendum)
- 7 Target Area Contract Preference Act (TACPA) Request
- 8 Enterprise Zone Act (EZA) Preference Request
- 9 Local Agency Military Base Recovery Area (LAMBRA) Preference Request
- 10 Mandatory Notice of Intent to Bid
- 11 Executive Summary
- 12 National Environmental Protection Act(NEPA) Compliance Form
- 13 Davis Bacon Act Prevailing Wage Q&A
- 14 California Law Prevailing Wage Requirements
- 15 Bidders Authorizing Resolution (sample)
- 16 Auditing Consideration
- 17 Financial Management Information
- 18 California Environmental Quality Act (CEQA) Compliance Form
- 19 Reporting and Tracking Spreadsheets
- 20 National Historic Preservation Act (NHPA)
- 21 Exhibit A-1, Exhibit B and Exhibit F
Budget Workbook
Exhibit A-1, Schedule of Deliverables and Due Dates
Exhibit A-1, Gantt Chart
Exhibit B, Budget Forms
Exhibit F, List of Contacts

I. Introduction

BACKGROUND

The American Recovery and Reinvestment Act of 2009 (ARRA) was enacted by Congress to preserve and create jobs and promote economic recovery, to assist those most impacted by the recession, to provide investments needed to increase economic efficiency by spurring technological advances, and to make investments that will have long term economic benefits. ARRA gives preference to projects that promote and enhance these objectives of the Act in an expeditious manner.

The U.S. Department of Energy (DOE) encourages states to develop State Energy Program (SEP) strategies that align with the following national goals: increasing jobs, reducing US oil dependency through increases in energy efficiency and deployment of renewable energy technologies, promoting economic vitality through an increase in “green jobs,” and reducing green house gas emissions. The DOE encourages states to focus their program efforts on market transformation initiatives and actions that align with these national goals. Market transformation is defined as: “Strategic interventions that cause lasting changes in the structure or function of a market or the behavior of market participants, resulting in an increase in adoption of energy efficiency and renewable energy products, services, and practices.”¹

The DOE has allocated the Energy Commission \$226 million in ARRA funding for the SEP. State law authorizes the Energy Commission to use these SEP funds for energy efficiency, energy conservation, renewable energy, and other energy related projects and activities authorized by ARRA. Because ARRA has a set of the wide-ranging policy goals as well as limitations regarding the life of the funds, the Energy Commission is seeking projects through a number of approaches and a number of different programs. The Energy Commission reserves the unfettered right to decide which of all of the possible bidders and projects solicited will maximize the beneficial use of the ARRA funds. Therefore bidders are admonished that there is no guarantee that their project will be funded even if their proposal is the highest ranked proposal under this RFP.

Among other SEP funding opportunities, the Energy Commission has decided to seek projects in the following program areas under three concurrent solicitations:

1. Municipal Financing Program (“AB 811 type programs”) PON No. 400-09-401
2. California Comprehensive Residential Building Retrofit Program RFP No. 400-09-403
3. Municipal and Commercial Building Targeted Measure Retrofit Program RFP No. 400-09-402

¹ See http://www.energy.ca.gov/recovery/documents/SEP_Recovery_Act_Guidance_DE-FOA-00000521.pdf

I. INTRODUCTION, CONTINUED

Collectively, the three solicitations shall be referred to as the "Solicitations," individually they are referred to as "solicitation", "PON" or "RFP".

The Solicitations contain many new ARRA and SEP requirements. Bidders are advised to carefully read and review all sections of this RFP as the proposal and the contracting requirements are substantially different from past Energy Commission solicitations.

PURPOSE OF RFP

This RFP is solely for the California Comprehensive Residential Building Retrofit Program, one of the four program elements eligible for ARRA SEP funding under the the Energy Commission's *State Energy Program Guidelines* adopted by the Energy Commission on September 30, 2009. SEP funds awarded through this RFP will be directed to establishing comprehensive regional programs to implement energy retrofits in existing residential buildings. The specific goals, objectives and program strategies for this RFP are described in Section II.

KEY ACTIVITIES AND DATES

Key activities and times for this RFP are presented below. This is a tentative schedule; please call the Contracts Office to confirm dates.

ACTIVITY	ACTION DATE
RFP Release	October 8, 2009
Pre-Bid Conference	October 20, 2009
Deadline for Written Questions	October 22, 2009
Distribute Questions/Answers and Addenda (if any) to RFP	October 27, 2009
Mandatory Notice of Intent from bidders due by COB	October 30, 2009
Deadline to Advertise for DVBE	November 16, 2009
Deadline to Submit Proposals by 5:00 p.m.	November 30, 2009
Clarification Interviews (If necessary)	TBD
Notice of Proposed Award	December 22, 2009
Energy Commission Business Meeting	January 27, 2009
Contract Start Date	February 1, 2010
Project Implementation Deadline (By Law)	March 31, 2012
Contract End Date	March 31, 2012

AVAILABLE FUNDING

There is up to \$95 million of ARRA SEP funds available for the contracts resulting from the Solicitations. An organization may submit a separate proposal for funding under any of the Solicitations and may receive a separate award under more than one solicitation. To be considered for funding, each proposal shall request no more than \$20 million and no less than \$2 million from a solicitation. Requested funding must reflect the level of effort proposed. The Energy Commission anticipates funding one or more separate agreements as a result of this RFP. An organization may submit a separate proposal for funding under any of the Solicitations and may receive a separate award

I. INTRODUCTION, CONTINUED

under more than one solicitation. The Energy Commission also reserves the right to: make no awards under any one or more solicitations; or to award all funds under one or more solicitations; or to award funds to only one bidder.

The Energy Commission reserves the right to reduce the amount of funds available under the Solicitations. In addition, ARRA funding may be reallocated as necessary to best achieve the overall goals of ARRA and state law and policy. Funds identified for the Solicitations may be reallocated and used for another purpose only after the Solicitations have closed and awards have been made or the Solicitations have been modified or cancelled.

ELIGIBLE BIDDERS

The Energy Commission expects to enter into contracts with consortia of local government agencies, utilities, community colleges, national and state energy programs, affordable housing programs, and private and public energy and building contracting experts covering a region of the state that are prepared to actively pursue the California Comprehensive Residential Building Retrofit Program in their regions.

The Energy Commission anticipates contracting with a prime contractor that has 1) sub-contracts with other members of the consortia that are proposed to receive ARRA SEP funding and 2) memorandum of understanding with members of the consortia that will actively coordinate with the regional program but not receive ARRA SEP funding.

The Energy Commission anticipates that proposed programs in response to this RFP will have a government agency as the prime contractor, insuring a high level of local commitment to actively pursue the proposed program as a regional priority and closely coordinate and leverage funding available to the local government. However, the Energy Commission will consider the alternative of a different member of the consortia serving as the prime contractor. For this latter case the bidder's proposal for ARRA SEP funding must justify why the alternate prime contractor is more appropriate and is likely to insure a more effective regional program, and must demonstrate that a high level of commitment is maintained by the government members of the consortia, including coordination with and leveraging of funding available to the local government and pursuit of the proposed program as a regional priority.

Local government agencies serving as prime contractors are not required to meet the Disabled Veteran Business Enterprises (DVBE) compliance requirements. Local governments are not eligible for DVBE preference points or for small/micro-business or non-small business preference points. In choosing whether to have the prime contractor be a local government or not, the bidder team is fully responsible for the consequences of that choice on competitiveness of the proposal.

I. INTRODUCTION, CONTINUED

PRE-BID CONFERENCE

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4392 or refer to the Energy Commission's website at www.energy.ca.gov to confirm the date and time.

October 20, 2009
9:00 am
California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814
Telephone: (916) 654-4392

PARTICIPATION THROUGH WEBEX, THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

REGISTRATION

To register for this event, go to
<https://energy.webex.com/energy/onstage/g.php?d=920665554&t=a>

1. Click the "Register" button at the bottom of the page.
2. Provide your information as requested.

You will receive a confirmation email message that contains the details to join the event.

COMPUTER LOG ON

Follow the instructions in your confirmation email to join the meeting a few minutes early.

TELEPHONE ONLY (No Computer Access)

If you cannot join the meeting via computer, you can listen to the audio via phone by calling toll free 1-866-469-3239 and entering the Meeting Number **920 665 554** followed by the # key. When asked for your Attendee ID number, please press the # key. You will then be entered into the call of the meeting on a muted line.

If you have difficulty joining the meeting, please call the WebEx Technical Support number at (866) 229-3239.

I. INTRODUCTION, CONTINUED

QUESTIONS

During the RFP process, questions of clarification about this RFP must be directed to the Contracts Officer listed in the following section. You may ask questions at the Pre-Bid Conference, and you may submit questions via mail, electronic mail, FAX, and by phone. However, all questions must be received by 5:00 pm on Thursday, October 22, 2009. After this date, question and answer sets will be mailed to all parties who submitted questions (so long as they also provided their address), requested a copy of this RFP from the Energy Commission Contracts Office and all parties that left their address with the Contracts Officer at the Pre-Bid conference. The questions and answers will also be posted on the Energy Commission's website at: <http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with an Energy Commission employee concerning this RFP is not binding on the State and shall in no way alter a specification, term, or condition of the RFP.

CONTACT INFORMATION

Angela Hockaday, Contracts Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 6545186
FAX: (916) 654-4423
Email: ahockada@energy.state.ca.us

FEDERAL AND STATE LAWS, REGULATIONS, AND GUIDELINES

Bidders responding to this solicitation should be familiar with Federal and State laws, regulations, and guidelines that apply to the SEP, including but not limited to the following:

Federal

The American Recovery and Reinvestment Act of 2009
<http://www.energy.ca.gov/recovery/documents/HR1.pdf>.

Department of Energy State Energy Program Funding Opportunity Announcement DE-FOA-0000052
<https://www.fedconnect.net/FedConnect>.

Title 10 Code of Federal Regulations (CFR) Part 420: State Energy Program
<http://www.gpoaccess.gov/cfr/index.html>

Davis-Bacon Act (40 U.S.C. 3141, et. seq.)

National Environmental Policy Act (42 U.S.C. 4321, et. seq.)

National Historic Preservation Act of 1966 (16 U.S.C. 470f)

I. INTRODUCTION, CONTINUED

Office of Management and Budget reporting requirements

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-suppl.pdf

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-suppl2.pdf

Council of Economic Advisers' Estimates of Job Creation from the American Recovery and Reinvestment Act of 2009, May 2009

http://www.whitehouse.gov/assets/documents/Estimate_of_Job_Creation.pdf.

State

Streets and Highways Code Sections 5898.20 - 5898.32 (California Assembly Bill 811)

http://www.energy.ca.gov/recovery/documents/ab_811_bill_20080721_chaptered.pdf.

California Energy Commission State Energy Program Guidelines

<http://www.energy.ca.gov/2009publications/CEC-150-2009-004/CEC-150-2009-004-CTD.PDF>.

California Home Energy Rating System Program regulations

<http://www.energy.ca.gov/2008publications/CEC-400-2008-011/CEC-400-2008-011-CMF.PDF>.

I. INTRODUCTION, CONTINUED

KEY WORDS AND DEFINITIONS

Important definitions for this RFP are presented below:

Word/Term	Definition
ARB	California Air Resources Board, which has responsibility for overseeing implementation of the Assembly Bill (AB) 32 Climate Change Scoping Plan
ARRA	The American Recovery and Reinvestment Act of 2009.
ARRA Accountability and Transparency Board	Established by ARRA to coordinate and conduct oversight of Federal spending to prevent waste, fraud and abuse by establishing accountability and insuring that the recipients and uses of all funds are transparent to the public.
ARRA Committee	Energy Commission's American Recovery and Reinvestment Act (ARRA) Ad Hoc Committee
Bidder	A respondent to this RFP (also referred to as "applicant" in the SEP Guidelines)
CCM	Commission Contract Manager
CPUC	California Public Utilities Commission, which directs the administration of public goods charge energy efficiency programs by the IOUs, including a range of programs directed at existing residential buildings.
CSD	California Department of Community Services and Development, which administers the federal Weatherization Assistance Program in California.
Economically Disadvantaged Area	Area where the unemployment rate exceeds the California statewide average unemployment rate for June 2009. Other characteristics, such as higher than average foreclosure rate and lower than average income levels, may also be considered in identifying economically disadvantaged areas.
Equipment	Products, objects, machinery, apparatus, implements or tools that have a useful life of at least one year, have an acquisition unit cost of at least \$5,000, and are purchased with ARRA SEP funds.
DGS	California Department of General Services
DOE	U.S. Department of Energy, which has responsibility for overseeing ARRA funding (including SEP) aimed at creating jobs by improving energy efficiency
DVBE	Disabled Veteran Business Enterprise
Energy Commission	California Energy Commission

I. INTRODUCTION, CONTINUED

EPA	U.S. Environmental Protection Agency, which has responsibility in collaboration with DOE for administering the suite of Energy Star programs, including Home Performance with Energy Star
HERS Phase I (HERS I)	The requirements, procedures and protocols established by the Energy Commission for conducting field verification and diagnostic testing of newly constructed homes or alterations to existing homes to verify compliance with the California Building Energy Efficiency Standards, as specified by Title 20, Sections 1670-1675, Title 24, Parts 6 and 1, and Residential Reference Appendices, RA2 and RA3.
HERS Phase II (HERS II)	The requirements, procedures and protocols established by the Energy Commission for conducting California Whole-House Home Energy Ratings and California Energy Audits for existing and newly constructed homes, as specified by Title 20, Sections 1670-1675 and the HERS Technical Manual.
HERS Program	California Home Energy Rating System Program as specified in the California Code of Regulations, Title 20, Section 1670-1675.
HERS Provider	An organization that has been approved by the California Energy Commission to administer a HERS Program pursuant to the California Home Energy Rating System Program regulations.
HERS Rater	A person who has been trained, tested and certified by a HERS Provider to perform the functions specified in the California Home Energy Rating System Program regulations.
HPwES	Home Performance with Energy Star
HUD	U.S. Department of Housing and Urban Development, which has responsibility for overseeing many financing and grant funding programs to promote energy efficiency in low and moderate income housing.
IOU	Investor Owned Utilities (privately owned utilities regulated by the California Public Utilities Commission)
Proposal	Formal written response to this RFP from Bidder
SEP	State Energy Program
RFP	This entire document which is a Request for Proposals
Solicitation	The competitive method used to solicit proposals for funding under this Request for Proposals.

I. INTRODUCTION, CONTINUED

Source Energy	Energy that is used at a building site and consumed in producing and in delivering energy to the site, including, but not limited to, power generation, transmission and distribution losses.
State	State of California

II. Goals and Objectives

ABOUT THIS SECTION

This section explains the goals and objectives of the California Comprehensive Residential Building Retrofit Program that is the subject of this RFP. This section summarizes the key program design concepts that Bidders should respond to in their program proposals. More detailed explanations of the requirements for the Bidder's response to this RFP are specified in Section III.

BACKGROUND

CALIFORNIA COMPREHENSIVE RESIDENTIAL BUILDING RETROFIT PROGRAM CONCEPT

The purpose of the California Comprehensive Residential Building Retrofit Program is to create jobs and stimulate the economy through a comprehensive program to implement energy retrofits in existing residential buildings². The Program will work with regional groups of local governments, utilities, community colleges, national and state energy and affordable housing programs, and private and public energy and building contracting experts to deliver a tiered approach to put Californians back to work. The Program will focus on deploying re-trained construction workers and contractors and youth entering the job market to improve the energy efficiency and comfort of California's existing housing, creating in the process a sustainable energy workforce. In addition to pursuing energy retrofits in market-rate housing, the Program will coordinate with and leverage affordable housing and neighborhood stabilization programs to bring the advantages of energy efficient housing to under-served, economically disadvantaged populations.

The California Comprehensive Residential Building Retrofit Program is intended to effectively contribute to California's ambitious energy savings and greenhouse gas emission (GHG) reduction goals established in the Energy Action Plan, the California Public Utilities Commission's (CPUC) Strategic Plan and the California Air Resources Board's (ARB) AB 32 Scoping Plan. These goals call for close collaboration between the Energy Commission, CPUC and ARB and coordination of the program delivery actions of each agency, including ARB climate change regulatory actions, Energy Commission establishment of standards and programs for residential retrofit (including the HERS II regulations for whole-house home energy ratings and energy audits), and the CPUC's direction to investor owned utilities (IOUs) regarding rebates and home performance programs aimed at dramatically exceeding past utility program accomplishment of comprehensive residential retrofits.

² The California Comprehensive Residential Building Retrofit program is targeted at all residential buildings, including single family homes, low-rise multi-family buildings and high-rise multi-family buildings. Where these Guidelines refer to "house" or "homes," those terms are intended to include both single family homes and multi-family buildings. The Energy Commission recognizes that multi-family buildings may provide opportunities for energy efficiency improvements that are uniquely applicable to multi-family buildings, and intends to enable the use of such energy efficiency improvements in those buildings.

II. GOALS AND OBJECTIVES CONTINUED

THREE-TIERED APPROACH

The California Comprehensive Residential Building Retrofit Program will use a three tiered delivery approach to jump start the use of stimulus funds, enabling the use of 1) entry level labor and 2) single trade contractors with limited training in energy efficiency retrofits, and 3) the launch of training and the providing of support to develop the highly skilled workforce that will enable the transition to the whole-house, deep saving retrofits that are critical to achieving California and national energy and climate change mitigation goals.

The three tiers are:

Simple Checklist Approaches:

- 1) First Tier – Low-cost items that can be determined through visual inspection by a minimally trained person (low savings per home);
- 2) Second Tier – Measures that require installation by a specialty contractor (e.g., HVAC or Insulation Contractor) who can be trained in a short time to provide quality installation of measures within the scope of their specialty contractor license in conformance with the California Building Energy Efficiency Standards (Title 24, Part 6 and related Part 1 requirements) using field verification protocols specified by the Standards Reference Appendices (moderate savings per home);

Whole-house Retrofits Approach:

- 3) Third Tier – HERS II Rater based approach with Raters and building performance contractors trained to accomplish deeper, comprehensive retrofits (high savings per home).

(See Table I for the measure checklists for each Tier

The first two tiers are based on simple checklist approaches that can be developed quickly and carried out with only limited training. The third tier is a deeper, comprehensive, whole-house retrofit approach that relies on either 1) a Home Energy Rating System Program (HERS) Phase II Rater working in conjunction with specialty contractors to achieve whole-house retrofits or on 2) a HERS II Rater that is specially trained as a building performance contractor and is able to both perform the energy audit/rating needed to identify deep retrofits and supervise the installation through completion.

The Tier Strategy

The Third Tier is the preferred Tier for California Comprehensive Residential Retrofit Program funding. It is intended to move California residential retrofit efforts as rapidly as possible to a whole-house approach, enabling measures to be considered for their interactive benefits and to facilitate reaching the deeper energy efficiency retrofits required to meet California energy policy. However, the Third Tier requires more

II. GOALS AND OBJECTIVES CONTINUED

extensive training and development of new market capability. The First and Second Tier are intended to be transitional approaches to immediately expand the delivery of conventional measures through incremental training to entry level persons and to contractors focusing on quality installation approaches and providing information to homeowners that will encourage movement towards the higher Tier, deeper savings approaches.

The First Tier is an optional level that is not required to be provided by every bidder. It is possible that First Tier information could be provided through a combination of self-assessment (potentially including online assessment tools), in-person and neighborhood workshop delivery approaches. The Second Tier also is not absolutely required if bidders demonstrate that relying solely on the Third Tier approach will lead to rapid start-up and delivery of retrofits recognizing the short time window that the ARRA funds are available and the more demanding training and program delivery needed by the Third Tier approach. Bidders are encouraged to develop Third Tier approaches as a fundamental program element, and provide a strategy for how their program will strongly transition towards Third Tier approaches over the course of the period that ARRA SEP funds are available.

First Tier

The First Tier checklist would be used by entry level persons with limited training, such as high school students/graduates entering the workforce or neighborhood organizations active in the community who are branching out to helping get simple energy saving items done in the local area. They would focus on simple measures that work in every home, such as installing CFLs, low flow showerheads and faucet aerators, identifying appliances that are near the end of their useful life and are good candidates for replacement with Energy Star/Consortium for Energy Efficiency (CEE) appliances. They may also provide advice to homeowners about behavioral measures that can be taken, such as lowering hot water temperatures to 120° F, properly operating windows for ventilation and free cooling and properly operating shades for keeping heat in during the winter and out during the summer. They would provide information fact sheets about other programs and resources in the community, including water conservation programs and utility rebates, and about do-it-yourself (D-I-Y) projects that the homeowner could consider. A major goal of the First Tier checklist approach is to encourage residential building owners to move to the more extensive retrofits achieved through the Second and Third Tiers.

The First Tier is optional. California Comprehensive Residential Building Retrofit Program bidders who do not choose to conduct the First Tier must explain in their proposal how this level of information is provided in the region where their proposed programs operate and how they will coordinate with these First Tier approaches to insure that the participants in those First Tier initiatives are made aware of the Second Tier and Third Tier services that are provided by the bidder.

II. GOALS AND OBJECTIVES CONTINUED

Second Tier

The Second Tier checklist would be used by single trade contractors (specialty contractors) who would install the materials or equipment that appear on the checklist for which they are licensed to do work and are in business to provide. These might include HVAC contractors who replace furnaces, air conditioners or water heaters nearing the end of their useful lives with high efficiency equipment; electrical contractors who install lighting fixtures with high efficiency fixtures that use CFL or LED lamps; and insulation contractors who install attic and wall insulation. These contractors would employ many people from the construction trades who have been displaced by the bottom dropping out of the housing market and the tight economy's impact on discretionary income.

Unfortunately, many of these trades currently are dominated by low-bid competition that may result in poor installation quality and construction defects, dramatically reducing the energy efficiency benefits of the equipment and materials they are installing. Training for the Second Tier would explain the priority measures that are on the checklist and how to raise the quality of the installation of those measures. Participating contractors would be required to comply with state and local business licensing laws and to pull building permits. Measures would be required to meet all requirements for these building alterations specified by the Title 24 Building Energy Efficiency Standards. Measures for which the Title 24 Building Energy Efficiency Standards have established field verification protocols would have to be field verified in conformance with those protocols and follow all field verification procedures established by those Standards (HERS Phase I).

The Second Tier is not absolutely required for all California Comprehensive Residential Building Program bidders. If bidders choose to not provide the Second Tier approach, the proposal must explain how their proposed program will lead to rapid start-up and delivery of retrofits, recognizing the short time window that the ARRA funds are available and the more demanding training and program delivery needed by the Third Tier approach.

Third Tier

The Third Tier approach builds on the concepts of HERS II and Home Performance with Energy Star to deliver comprehensive, whole-house energy efficiency measures that consider the interactive nature of the energy features in a home. This is the level of residential retrofits that ultimately will be needed in all California homes if national and California energy efficiency and climate change goals are to be met.

The Third Tier focuses on "House as a System" principles, using diagnostic tools to insure high quality, well integrated measures that deliver not only energy efficiency and climate change mitigation, but also improved comfort, indoor air quality, and safer and quieter home environments. Measures would include building air sealing verified using blowerdoors, duct sealing verified using duct blasters, efficient duct design and installation verified through airflow measurement tools, insulation quality and thermal

II. GOALS AND OBJECTIVES CONTINUED

bypass avoidance verified through infrared cameras, and proper air conditioner refrigerant charge using gauges. This is the emerging future of providing high quality, whole-house retrofits that avoid the current construction defects that are ever-present in the marketplace. This field represents a major opportunity to re-deploy and re-skill California's hardest hit industry to provide highly sustainable and valuable services.

Each California Comprehensive Residential Retrofit program bidder is encouraged to provide an active Third Tier element once HERS II approved HERS Providers and certified HERS Raters are available in the region. A bidder's proposed program should also provide strategies for an active transition to delivery of the Third Tier approach.

If proposed programs target multi-family buildings, the Energy Commission intends that proposed programs provide Third Tier level of whole building services to these multi-family buildings even though the HERS II and Home Performance with Energy Star programs may currently not adequately address the unique opportunities for energy efficiency in multi-family buildings.

LOCAL GOVERNMENT CONSORTIA

The California Comprehensive Residential Building Retrofit Program is designed to collaborate with consortia of local governments, utilities, community colleges, national and state energy and affordable housing programs, and private and public energy and building contracting experts in regions around the state that develop and operate programs to provide:

- targeted information to recruit residential building owners to participate;
- training and support for the workforce that will be deployed to provide each tier of retrofits (collaborating with the ARRA SEP Green Jobs Training Program);
- access to and facilitation of retrofit financing, through municipal financing district programs, Energy Efficiency Conservation Block Grant (EECBG) funding, Department of Community Services and Development (CSD) or California Public Utilities Commission administered low-income weatherization programs, other U.S. Department of Housing and Urban Development financing such as Energy Efficient Mortgages and other FHA and HUD financing, Energy Star financing, federal and state tax credits, and utility or local program energy and water rebates and incentives;
- support and engagement in field verification consistent with the California Home Energy Rating System Program to insure quality installations and to monitor program results;
- co-funding of incentives to seed programs that will be self-sustaining after the term of the ARRA funding expires.

The Energy Commission will enter into contracts with consortia of local government agencies, utilities, community colleges, national and state energy, affordable housing programs, and private and public energy and building contracting experts covering a

II. GOALS AND OBJECTIVES CONTINUED

region of the state that are prepared to actively pursue the California Comprehensive Residential Building Retrofit Program in their regions. The consortia must commit to hit the ground running to attack the residential retrofit opportunity in their region, through localized training and education of the persons involved in providing each tier of retrofits, coordination with local and regional efforts to provide financing and financial incentives, and targeted information to the homeowners in their areas to obtain program participation. Participating consortia will be encouraged to leverage and actively coordinate EECBG funding going to local governments in their regions that is targeted to residential retrofit and to commit to coordinate local municipal financing programs that already exist or are emerging in their regions with the California Comprehensive Residential Building Retrofit program. Also, participating consortia must commit to actively coordinating with other financing and incentive mechanisms at work in their communities, including in particular utility financing and incentives programs.

The Energy Commission anticipates contracting with a prime contractor that has 1) sub-contracts with other members of the consortia that are proposed to receive ARRA SEP funding and 2) memorandum of understanding with members of the consortia that will actively coordinate with the proposed regional program but not receive ARRA SEP funding. The Energy Commission anticipates that proposed programs will have a government agency as the prime contractor, insuring a high level of local commitment to actively pursue the proposed program as a regional priority and closely coordinate and leverage funding available to the local government. However, the Energy Commission will consider the alternative of a different member of the consortia serving as the prime contractor. For this latter case the bidder's proposal for ARRA SEP funding must justify why the alternate prime contractor is justified and is likely to insure a more effective regional program, and must demonstrate that a high level of commitment is maintained by the government members of the consortia, including coordination with and leveraging of funding available to the local government and pursuit of the proposed program as a regional priority.

COLLABORATION WITH NATIONAL PROGRAMS

The California Comprehensive Residential Building Retrofit Program will collaborate with the Home Performance with Energy Star Program (HPwES)³, administered by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE), for achieving comprehensive, whole-house retrofits. The Sacramento Utility District (SMUD) and each of California's IOUs are in the process of developing HPwES programs, which they will administer as HPwES sponsors. Coordination with these HPwES programs will be strongly encouraged, including training and certification of building performance contractors consistent with HPwES guidelines. HPwES expects extensive whole-house training of building performance contractors to prepare them for certification. HPwES strongly encourages building performance contractors to be certified commensurate with the certification programs administered by the Building Performance Institute (BPI). For building performance contractors serving as Home Energy Raters, BPI provides the Building Analyst Professional certification.

³ See http://www.energystar.gov/index.cfm?c=home_improvement.hm_improvement_hpwes

II. GOALS AND OBJECTIVES CONTINUED

The DOE has decided to allocate stimulus funds to enable their Building America teams to provide consultation for a neighborhood approach to achieve retrofits in existing homes. The DOE's concept is that their Building America teams, who have been working for several years with production builders to achieve zero energy in newly constructed homes, are uniquely able to assist with the evaluation of older tracts of existing homes, which were built around the same time with similar features (vintages), to determine probable energy efficiency measures that would be suitable for entire neighborhoods and could be implemented with similar mass delivery approaches as those that production builders use. Participating consortia will be encouraged to coordinate with this DOE approach.

The California Comprehensive Residential Building Retrofit Program also is interested in collaboration with HUD to coordinate with the variety of stimulus funded programs that they are conducting at the local level. This will include the Neighborhood Stabilization Program, weatherization and financing programs.

COLLABORATION WITH STATE AND UTILITY PROGRAMS

The California Comprehensive Residential Building Retrofit Program needs to be strongly coordinated with the efforts of the CPUC and ARB as discussed in the Program Summary in section A. of this Chapter. In addition, the California Comprehensive Residential Building Retrofit Program needs to be coordinated to the extent feasible with California weatherization programs administered by both CSD and the CPUC.

Bidders must establish close working relationships with utility rebate and financing programs in their region. Programs should be designed to complement and expand on utility programs rather than duplicate or compete with them. Utility funding should be treated as an important element of the funding available for encouraging participation in the proposed program and encouraging residential retrofits. Attention in particular should be placed on collaboration with utility HPwES and other utility whole-house performance program initiatives. Bidders must explain how collaboration with utility programs will be accomplished and redundancy will be avoided.

TARGETING ECONOMICALLY DISADVANTAGED AREAS

One area of emphasis for the California Comprehensive Residential Building Retrofit Program will be on coordinating with local programs in areas that have been the hardest hit by the economic downturn. These areas suffer when inadequate attention to housing construction quality and energy efficiency, particularly in lower-income neighborhoods, result in high energy bills and poor comfort conditions. The residents of this housing deserve strong attention to quality retrofits that reduce their energy bill burden as much as possible.

The foreclosed property targeted by the HUD Neighborhood Stabilization Program represents a special opportunity for the California Comprehensive Residential Building Retrofit Program. These foreclosed homes that stand vacant in need of rehabilitation to return them to satisfactory market condition are particularly strong candidates for

II. GOALS AND OBJECTIVES CONTINUED

comprehensive, whole-house retrofits, and provide an ideal learning environment for apprentices or recent trainees to learn on-the-job without the added complications of the presence of homeowners and personal property. The California Comprehensive Residential Building Retrofit Program will encourage local government participants to actively coordinate with their local Neighborhood Stabilization Program.

There also is an opportunity for the California Comprehensive Residential Building Retrofit Program to collaborate with low income weatherization programs, administered either by CSD or by the CPUC. This collaboration could work to achieve comprehensive retrofits in housing receiving weatherization program assistance consistent with the Second and Third Tiers of the California Comprehensive Residential Building Retrofit Program. This collaboration could be pursued using a “neighborhood approach” whereby neighborhoods that are made up of relatively homogeneous housing types and vintages could be evaluated to identify energy efficiency measures that would be expected to be consistently appropriate throughout the neighborhood. This neighborhood approach also could be considered for the income level immediately above that which is currently eligible for low-income weatherization programs, at approximately 200 – 300% of the poverty level. Bidders must explain how collaboration with these programs will be accomplished and redundancy will be avoided.

COORDINATION WITH WORKFORCE TRAINING

Fundamental to the success of the California Comprehensive Residential Building Retrofit Program is the provision of training and ongoing mentoring, apprenticeships and support for the workers necessary to deliver each of the tiers of the Program. Training of these workers will be coordinated with the Energy Commission’s ARRA SEP funded Green Jobs Training Program.⁴

The Green Jobs Training Program is working with public, private and nonprofit partners to develop a comprehensive, sustainable green workforce development program in California. This Program intends to leverage existing workforce partnerships by coordinating with state agencies, the State’s Community College system and local workforce investment boards. At the local level the Green Jobs Training Program will be working with the 49 local workforce investment areas, which provide regional “one-stop centers” for assessment, training and placement for job seekers and businesses, and have long-standing relationships with local government and civic leaders, economic

⁴ The California Energy Commission, the California Employment Development Department, the Employment Training Panel, and the California Workforce Investment Board, in collaboration with The Green Collar Jobs Council, are leading a statewide partnership of state agencies, educational institutions, local workforce investment boards, community organizations and employers to deliver the California Green Jobs Training Program, also known as the California Clean Energy Workforce Training Program. Information about this program can be found at <http://www.energy.ca.gov/greenjobs/index.html> and at http://www.edd.ca.gov/Jobs_and_Training/WDSFP_Workforce_Development_Solicitations_for_Proposals.htm. Information about local awardees of ARRA funded Green Jobs Corp grants can be found at http://www.edd.ca.gov/Jobs_and_Training/WDSFP_CGJC_Award_list.htm. Information about the August 6, 2009 California Clean Energy Workforce Training Program Requests for Proposals can be found at http://www.edd.ca.gov/Jobs_and_Training/pubs/wsin09-7.pdf

II. GOALS AND OBJECTIVES CONTINUED

development agencies, labor and community organizations, and businesses. In addition the Green Jobs Training Program will be working with the State's investor owned utilities (IOUs) and publicly owned utilities (POUs), which operate energy training centers that provide education and workforce training related to energy efficiency. Local participants in the California Comprehensive Residential Building Retrofit Program will be expected to actively coordinate with the Green Jobs Training Program. Bidders also are encouraged to coordinate with previously established workforce development and training organizations with which the bidders have experience working.

FUNDING LEVERAGE AND SUSTAINABILITY

The California Comprehensive Residential Building Retrofit Program is intended to create jobs, re-employ displaced workers, and re-train the hardest hit construction industry as a means of meeting DOE's SEP goal of strategic intervention that causes lasting changes in the market. It is intended to jump start the effort to meet California's aggressive Energy Action Plan goals to achieve an average of 40% savings in existing California residences by 2020. The Program intends to achieve sustainability after the term of the ARRA funds through three means: 1) coordinating with local financing initiatives; 2) leveraging local funding; and 3) seeding self-sustaining training approaches that will make permanent improvements to the skill level of the people who will be needed to deliver residential retrofits.

II. GOALS AND OBJECTIVES CONTINUED

Table I
California Comprehensive Residential Building Retrofit Program
Measure Checklists

First Tier – Low-cost Walk-through Using Newly Trained Entry Level Labor

- Provide and/or Install
 - CFLs, Low-flow Showerheads, Faucet Aerators
- Identify Appliances Near End of Useful Life that are Eligible for Utility Rebates
 - Energy Star Appliances - Refrigerator, Dish Washer, Clothes Washer
- Provide Information on Ways to Operate home to save energy, D-I-Y Measures, available Rebates, Tax Credits and Financing

Second Tier – Installation Retrofits Using Newly Trained Single Trade Contractors

- Install Attic Insulation (pull permit and comply with T-24 retrofit insulation R-value)
- Insulate Un-Insulated Walls (pull permit and comply with T-24 field verification)
- Install Floor Insulation (pull permit and comply with T-24 field verification)
- Complete Building Envelope Sealing (pull permit, comply with T-24 field verification)
- Complete Duct Sealing (pull permit and comply with T-24 field verification)
- Replace near end of useful life air conditioner or furnace with CEE qualifying model (pull permit, comply with T-24 refrigerant charge, airflow and duct sealing verification)
- Replace near end of useful life water heater with CEE model (solar water heating)
- Install Cool Roof when reroofing (pull permit and comply with T-24 alterations reqs.)
- Install Radiant Barrier (pull permit and comply with T-24 criteria)
- Install Energy Star Windows (pull permit and comply with T-24 alterations reqs.)
- Install WaterSense Toilets, Showerheads, Landscape Irrigation Controllers

Third Tier – Whole-House Deep Retrofits Using HERS Phase II

- California Energy Audit/California HERS Rating
- Integrated approach that addresses all of the home's energy using features, resulting not only in energy savings but also often more valued comfort, indoor air quality, combustion safety, noise attenuation benefits which increase program participation
- Meshes with approaches used for EPA/DOE Home Performance with Energy Star program; deep retrofits are required to meet Energy Action Plan goals for existing residential buildings (40% savings in every home by 2020)
- Correct Thermal Barrier Defects – these defects allow cold and hot air from the attic, crawlspace or outside to leak into the interior walls and under insulation substantially reducing the effectiveness of insulation (assisted with blowerdoor and IR camera)
- Correct Duct Leakage (assisted with ductblaster)
- Correct Insulation Defects (assisted with blowerdoor and IR camera)
- Correct Combustion Safety Hazards
- Correct Air Conditioner and Furnace Installation Defects (assisted with refrigerant charge gauges and airflow devices)
- Install all Second Tier measures determined cost effective and applicable for the house
- Install PV System that is well integrated with energy efficiency

III. Program Proposal Requirements

PROGRAM PROPOSAL REQUIREMENTS

Please describe the program you are proposing providing the following information in the order itemized below:

PROGRAM TITLE

Provide the title of the proposed program.

PROGRAM EXECUTIVE SUMMARY

Provide an Executive Summary (Attachment #11) of the proposed program not to exceed two pages in length. Explain the key proposed program concepts, strategies and approaches. Summarize how the proposed program responds to the goals and objectives of this RFP. Explain the team organizational structure and key partners. Summarize the major anticipated impacts from the proposed program such as jobs, energy savings, sustainability and market transformation.

A. PROGRAM DESIGN/EVALUATION CRITERIA

Explain how the proposed program will be delivered through a collaboration of a consortia of local governments, utilities, community colleges, national and state energy and affordable housing programs, and private and public energy and building contracting experts in a region of the state by responding to each of the following topics.

B. LEVERAGE FUNDING

Explain what resources and funding of all types will be actively used by the proposed program to supplement the requested ARRA SEP funding to maximize the effective delivery of all components of the program, and maximize the successful delivery of energy efficiency retrofits in the residential sector to accomplish the benefits described in the Goals and Objectives section (particularly those described in the Funding Leveraging and Sustainability sub-section). Explain the following:

- each type of resource or funding that will be used;
- how that resource/funding will directly contribute to the success of the proposed program;
- to what extent that resource/funding will be under the control of the proposed program and if the resource/funding is under the control of another entity, the extent to which that entity has committed to collaborate with the proposed program to insure that the resources/funding will be provided to support the proposed program, and the actions that the proposed program will take to insure the provision of the resource/funding;

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

- what conditions will constrain the use of the resource/funding and how those conditions will be addressed by the proposed program to insure their use in support of the proposed program.

Explain how the leveraged funds reflect a commitment by all the partners to actively participate in the program and sustain the program benefits into the future. Explain how the leverage funding will be used to accomplish the program goals and to successfully execute the program design. Describe how the leveraged funds are commensurate with the benefits gained by the funding partners and their constituents. Identify the level of risk and other issues that may arise due to each source of leverage funding. Leveraged funds are further described in Section V. Explain each type and source of leveraged funds in the budget worksheets that call for leverage fund information. Provide detail on activities to achieve Leverage Funding in the proposed Scope of Work.

C. SUSTAINABILITY/LASTING CHANGES IN THE MARKET

Explain how the proposed program will accomplish DOE's SEP goal of strategic intervention that causes lasting changes in the market. Explain how the proposed program will jump start the effort to meet California's aggressive Energy Action Plan goals to achieve an average of 40% savings in existing California residences by 2020. Explain the extent to which the proposed program will establish an active Third Tier element, and how the proposed program actively transitions to expanded delivery of Third Tier services in a manner that will provide the capability to meet the state's goals for deep retrofits after the ARRA funds are no longer available. Explain the reasons for how and why the achievement of deep energy retrofits in residential buildings will continue to expand and accelerate after the funding is no longer available. Explain the extent to which and how the consortium that is funded through this proposed program will be sustainable after the ARRA funds are no longer available, and/or what post-contract entity(ies) will continue to actively pursue the sustainability of deep energy retrofits. Explain why the requested ARRA SEP funding makes a difference in enabling this sustainability to occur. Explain what barriers exist to the sustainability of deep energy retrofits in residential buildings and how the proposed program is designed to overcome those barriers. Provide detail on activities to achieve Sustainability/Lasting Changes in the Market in the proposed Scope of Work.

D. REGIONAL APPROACH

Explain the extent to which and how the proposed program pursues a regional approach to create a larger and more effective program. Explain and document commitments that have been made by organizations throughout the region that demonstrate that the proposed program will be pursued as a regional priority. Identify each organization that is participating in the proposed program and supporting the proposed program. Identify each governmental organization that has taken an official position of active involvement or support (provide

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

documentation of that position). Identify all organizations who will be allocated ARRA SEP funding, either as the prime contractor or a subcontractor (note that all local governments who are expected to receive ARRA SEP funding will be required to provide Governing Board Documentation before agreements are signed as described later in V. Administration and Chapter I of the ARRA SEP Guidelines). Identify all organizations that have or will have a memorandum of understanding to actively coordinate with the proposed program but not receive ARRA SEP funds. If the prime contractor for the proposed program is not a regional governmental agency, thoroughly demonstrate that a high level of commitment is maintained by the governmental members of the consortia, including coordination with and leveraging of funding available to the local governments throughout the region and pursuit of the proposed program as a regional priority. Provide detail on activities to achieve the Regional Approach in the proposed Scope of Work.

E. QUALITY ASSURANCE

Explain how the proposed program will ensure and demonstrate the quality of installed energy improvements (both energy efficiency and onsite renewable generation when included in retrofit projects as allowable under the Third Tier). Explain what quality assurance procedures will be undertaken to maintain the cost-effectiveness, energy savings and reputation of the program. Explain how the proposed program will ensure that all field verification and diagnostic testing protocols established through the California Building Energy Efficiency Standards will be used to achieve quality installations for the measures that are covered by those protocols, and how the proposed program will ensure that the California Home Energy Rating System Program procedures and infrastructure (including HERS Providers and Raters) will be utilized. Explain how the proposed program will ensure that measures are installed by well qualified contractors, including training and certification consistent with Home Performance with Energy Star Guidelines. Explain how Third Tier services will be provided consistent with the California Home Energy Rating System Phase II Program. Provide detail on activities to achieve Quality Assurance in the proposed Scope of Work.

F. CONFORMANCE WITH CALIFORNIA LAW

Explain how the proposed program will ensure that installation of energy improvements will be completed in conformance with California law. Explain how the proposed program will ensure that building permits have been pulled for the work, and that contractors are in good standing with the Contractors State License Board. Explain how the proposed program will ensure that the California Building Energy Efficiency Standards requirements for alterations to existing buildings are met for each building project and will coordinate with HERS Providers and Raters to ensure that required field verification and diagnostic testing is completed. Explain how the proposed program will coordinate with HERS Providers and Raters to ensure that HERS Phase II procedures are

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

followed for the Third Tier. Provide detail on activities to achieve Conformance with California law in the proposed Scope of Work.

G. COLLABORATION WITH NATIONAL AND STATE PROGRAMS

Explain how the proposed program will collaborate with national programs, including Home Performance with Energy Star, and programs administered by the U.S. Department of Housing and Urban Development, such as the Neighborhood Stabilization Program, Energy Efficient Mortgages, and other HUD financing and financial incentives programs.

Explain how collaboration with DOE and HUD programs will be accomplished and redundancy will be avoided. Explain how the proposed program will coordinate with HPwES program sponsors operating in the region, including how extensive whole-house energy performance training will be provided consistent with HPwES training and BPI certification goals.

Explain how the proposed program will collaborate with state programs, including programs administered by the CPUC, CSD and ARB. Explain how the proposed program will coordinate with the Green Jobs Training Program. Explain how the proposed program will ensure that participants are informed of available utility rebate and financing programs in the region.

Explain how the proposed program will establish close working relationships with the Residential Programs described in Section 5.1.2 of the CPUC Decision (Proposed Decision) Approving 2010 to 2012 Energy Efficiency Portfolios and Budgets, found at

http://docs.cpuc.ca.gov/PUBLISHED/AGENDA_DECISION/107378.htm Explain how the proposed program is designed to complement and expand on utility programs rather than duplicate or compete with them. Explain how Third Tier services will be coordinated with the Whole House Programs described in the Proposed Decision. Explain how First and Second Tier services will be coordinated with information, energy survey and single measure incentives programs described in the Proposed Decision.

Explain how the proposed program will advance the Energy Commission's goal for home energy ratings to be provided so that at the time of sale of residences, realtors, lenders, appraisers and potential buyers are informed about the relative energy efficiency of and the improvements that have been made to the property, including incorporation of HERS ratings into multiple listing services operating in the region.

Explain how the proposed program will be coordinated to the extent feasible with California weatherization programs administered by both CSD and the CPUC. Provide detail on activities to achieve collaboration with national and state programs in the proposed Scope of Work.

Provide detail on activities to achieve collaboration with national and state programs in the proposed Scope of Work.

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

H. TARGETING ECONOMICALLY DISADVANTAGED AREAS

Explain the extent to which the proposed program is targeted to create jobs and enhance the economy in economically disadvantaged areas of the state that have been particularly impacted by California's housing and economic crisis. Explain how the proposed program will coordinate with and leverage affordable housing and neighborhood stabilization programs to bring not only the energy bill savings, but also the improved comfort, indoor air quality, and safer and quieter home environments resulting from deeper retrofits to under-served, economically disadvantaged populations. Economically disadvantaged areas are those that have unemployment rates that are higher than the statewide average, based on data from the Employment Development Department Labor Market Information Division, for the month of June 2009.⁵ Bidders shall compare the unemployment rates for the region covered by their proposed program compared to that of other areas of the state and the statewide average unemployment rate.

Unemployment rates for areas within a region may be considered if the proposal explains how the proposed program will place emphasis on those areas. Other characteristics of economically disadvantaged areas, such as high foreclosure rates and low income levels, may also be considered if explained in the proposal. Provide detail on activities to achieve targeting of economically disadvantaged areas in the proposed Scope of Work.

I. VERIFICATION OF ENERGY SAVINGS

Describe the data collection and computation methods required to calculate the energy savings and demand reductions from the residential retrofits resulting from the proposed program. Explain the activities that will be included in the proposed program to verify the actual energy savings and demand reductions due to the retrofits. Provide details on the approach planned to collect and store utility billing data for at least twelve months preceding and twelve months following a building retrofit project.

The Energy Commission will be separately evaluating the ARRA SEP Programs using contract resources. This separate program evaluation will include surveying a sample of retrofit program participants. The evaluations may be conducted via mail, phone and/or field surveys and may also require pre-retrofit and post-retrofit utility billing data. Describe the strategies included in the proposed program to encourage retrofit participants to cooperate with these ARRA SEP Program evaluations.

In order to conduct the M&E survey, the proposed program will need to collect specific information from each program participant making building retrofits. The required data collection will be specified at a later date, but this data is likely to

⁵ See Employment Development Department News Release No. 09-32, July 17, 2009, http://www.edd.ca.gov/About_EDD/pdf/urate200907.pdf

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

include participant address and contact information, building square footage, retrofit measures installed, retrofit costs, funding provided by the program and separately by other leveraged funding by source, and expected or measured savings. Describe the planned approach to collect and organize the required M&E data from all program participants making building retrofits.

Provide detail on activities to achieve Verification of Energy Savings in the proposed Scope of Work.

J. PARTICIPANT RECRUITMENT AND COMMUNICATION

Explain how the proposed program will establish marketing, outreach, education and information strategies that will lead to successful recruitment of participants and will communicate the proposed program approaches so that participants will choose to make the energy efficiency improvements that are recommended for their residential buildings. Explain how the proposed program will communicate information regarding each Tier of the program and will encourage participants to move up to deeper Tier services. Explain how the proposed program will coordinate through the several organizations that are participating in the regional consortia to take maximum advantage of their access to potential participants and provide marketing, outreach, education and information about the proposed program by leveraging the combined information resources of those organizations. Explain what marketing, outreach, education and information methods will be used and how sub-sets of the population of potential participants will be targeted. Explain how the proposed program will coordinate with utility information services as a means of increasing program participation. Provide detail on activities to achieve Participant Recruitment and Communications in the proposed Scope of Work.

K. PROGRAM COST EFFECTIVENESS

Determine the cost effectiveness of the proposed program by converting the estimated energy savings of the program to source BTUs⁶ and dividing by the amount of requested ARRA SEP funds, showing the calculations. Compare to the DOE and ARRA goal of 10 million source Btus saved per \$1,000 of SEP money spent.

Explain why the requested funds are appropriate, relative to the goals and objectives of the proposed program. Justify the amount of requested funds based on the resultant value to the state such as the number and type of jobs created, energy savings, demand reductions and sustainable market change.

L. TEAM ORGANIZATIONAL STRUCTURE

Describe the organizational structure of the proposed program, and provide an organizational chart of the entire program team. Provide a short description of

⁶ Electric energy saved shall be converted to source Btus by multiplying kWh by 10,239 BTU/kWh

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

each subcontractor and partner, and explain their specific role in the proposed program. Describe the relationship between the Bidder, subcontractors and partners. Summarize any history of working relationships between the team members, noting any significant success stories. Identify the location of the Bidder's, subcontractors' and partners' business locations and discuss methods of minimizing costs to the State. Identify a primary contact person for the proposed program. Describe any technical capabilities that would facilitate communicating with the Energy Commission and managing the program (e.g., web conferencing, web portal for document management and team collaboration).

M. WORKFORCE DEVELOPMENT AND JOB CREATION

Use the Council of Economic Advisers' Estimates of Job Creation (May 2009) from the American Recovery and Reinvestment Act of 2009, to provide a formula-based estimate of jobs created by the proposed program. Divide the total investment in the program by \$92,000 to estimate the number of direct jobs created. The total investment shall include ARRA SEP funding and all leveraged funds.

Describe each of the types of jobs expected to be created or retained by the proposed program. Provide an estimate of the number of direct jobs expected to be created based on the labor requirements for delivering each Tier of services, including but not limited to First Tier delivery services, Second Tier contractor services and HERS Provider and Rater field verification, and Third Tier HERS Provider and Rater rating services and contractor services, as well as the direct jobs required to deliver the Scope of Work, including but not limited to program marketing and participant recruitment, training of all persons involved in delivering services, and other job inducing program components.

Describe the proposed approach to providing training to all persons involved in delivering the services required by each Tier to implement the proposed program. Explain the coordination planned with the Green Jobs Training Program, utility training centers, HERS Providers and other regional workforce development efforts across the state to bring new workers into the energy efficiency workforce and provide new job skills to construction workers and contractors. Provide detail on activities to Workforce Development and Job Creation in the proposed Scope of Work.

N. ENERGY, PEAK DEMAND, AND GHG EMISSIONS REDUCTIONS

Document, explain and justify the estimates of electricity savings, natural gas savings and peak demand reductions expected from the proposed program. The Energy Commission will use California specific emission factors to calculate the greenhouse gas emission reductions expected from the energy savings estimates provided by the Bidder. The Bidder does not need to provide estimates of the GHG emission reductions from the proposed program, but must

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

provide the estimates of electricity and natural gas savings necessary for the Energy Commission to calculate the GHG reductions.

O. TIME CRITICALITY

Demonstrate that the requested ARRA SEP funding will be expended to complete all planned energy retrofits by March 31, 2012. Document the proposed plans to monitor implementation progress so that program resources can be adjusted as necessary to achieve the proposed retrofit savings by the March 2012 deadline. Provide a schedule from start of contract (assume start date of January 1, 2010) to March 31, 2012, that delineates progress reports, Critical Program Reviews and other program milestones. Include information and/or evidence that support this schedule. Provide details that establish certainty that progress reports will be provided and Critical Program Reviews will be conducted so that resources can be fully disbursed or, if necessary, reallocated by September 30, 2010. Provide detail in the proposed Scope of Work that establishes certainty that progress reports will be provided and Critical Program Reviews will be conducted, including completion of the first Critical Program Review by June 30, 2010 or other date specified by the CCM so that resources can be reallocated by September 30, 2010, if necessary.

P. PROGRAM TRANSPARENCY AND REPORTING

Explain how the Bidder will comply with the transparency and reporting requirements of the Federal Government, State of California, Energy Commission, ARRA, and DOE for SEP programs. Provide details on how the Bidder will enforce these transparency and reporting requirements for sub recipients and vendors. Describe the proposed methods to collect project performance data, compute key project metrics, transfer data to the Energy Commission, and publish project results. Explain how the Bidder's methods are designed to be flexible enough to meet probable changes to known tracking and reporting requirements for ARRA SEP programs.

Describe the financial and accounting processes and procedures the Bidder will use to safeguard ARRA SEP funds from fraud, misuse and waste. Bidders that are awarded SEP funds must implement adequate financial and accounting processes and procedures to safeguard ARRA SEP from fraud, misuse and fraud. The Energy Commission is informed that it will likely be audited by both the State and DOE. As part of these audits an awarded bidder's contract may also be audited. Attachment 16 lists the elements of a program that could be considered as part of audit. This list is provided by way of example only and is NOT exhaustive of the elements or the type of information that could be considered as part of an audit.

Provide detail on activities to achieve Program Transparency and Reporting in the proposed Scope of Work.

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

Q. PROGRAM TEAM QUALIFICATIONS AND EXPERIENCE

Document the proposed program team's qualifications for conducting a highly effective program that will be very effective in meeting the goals, objectives and strategies identified in this RFP, and performing the tasks described in the Scope of Work. Describe the nature and scope of prior work that is related to the goals, objectives, and strategies of this RFP and tasks in the Scope of Work. List all Bidder staff, Subcontractor staff and members of the consortia and partners who do not receive ARRA funding; and describe their roles in completing each task. List job classifications, relevant experience, education, academic degrees, and professional licenses of these staff and consortia members/partners. Provide a current resume for all team members. Identify the percentage of time each team member will be available throughout the contract. Describe their familiarity with the administration, management, and their technical expertise in meeting the goals, objectives and strategies of the RFP and performing pertinent tasks identified in the Scope of Work. Provide detail on the involvement of each team member in the proposed Scope of Work tasks and subtasks and the budget worksheets.

SCOPE OF WORK AND DELIVERABLES

Clearly lay out the plan to achieve the goals and objectives of the proposed program. Provide a scope of work that is logical and reasonably sequences tasks. Add subtasks to the Program Delivery Task with detailed lists of contractor activities that demonstrate a clear, appropriate and complete plan for achieving the objectives of the program. Include well-defined sets of intermediate and final deliverables within the subtasks. Describe how the subcontractors and program partners will be involved in each subtask. Clearly demonstrate how each aspect of the program design is integrated into the list of subtasks, contractor activities and deliverables. Identify and assess potential risks, and include plans for mitigating these risks.

Explain how the proposed program will provide all of the following:

- a. targeted information to actively and effectively recruit residential building owners to participate;
- b. training and support for the workforce that will be deployed to provide each tier of retrofits (collaborating with the ARRA SEP Green Jobs Training Program) to insure that a strong workforce;
- c. access to and facilitation of retrofit financing, through municipal financing programs, Energy Efficiency Conservation Block Grant EECBG funding, Department of Community Services and Development (CSD) or California Public Utilities Commission administered low-income weatherization programs, other U.S. Department of Housing and Urban Development (HUD) financing such as Energy Efficient Mortgages and other FHA and HUD financing, Energy Star financing, or other private or public source of financing, and fully utilize utility or local program energy and water rebates and incentives;

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

- d. support of and active facilitation of and engagement in field verification consistent with the California Home Energy Rating System Program to insure quality installations and to monitor program results;
- e. co-funding of incentives to seed programs that will be self-sustaining after the term of the ARRA funding expires.

Explain how the proposed program will provide each of the three Tiers explained in the Goals and Objectives section:

- a. First Tier – explain how the proposed program will deliver First Tier services; if the proposed program will not conduct First Tier services, explain how this level of information will be provided in the region where the proposed program will operate and how the proposed program will coordinate with these First Tier services to insure that the recipients of those First Tier services are made aware of the Second Tier and Third Tier services that are provided by the proposed program;
- b. Second Tier – explain how the proposed program will deliver Second Tier services; if the proposed program will not conduct Second Tier services, explain how the proposed program will accomplish rapid start-up and delivery of retrofits recognizing the short time window that the ARRA funds are available, overcoming the more demanding training and program delivery needed by the Third Tier approach;
- c. Third Tier – explain the extent to which and how the proposed program will deliver Third Tier services; explain what strategies the proposed program will deploy to actively transition to expanded delivery of Third Tier services over the term of the contract.

Programs that are proposed to target multi-family buildings that may be outside the scope of HERS II and Home Performance with Energy Star shall explain how their proposed program will establish parallel and comparable energy audit and field verification approaches to conduct Third Tier level of services to achieve whole building energy efficiency opportunities unique to multi-family buildings.

Articulate the sequence of tasks, milestones, sub-tasks and deliverables necessary to conduct the proposed program activities and document progress and accomplishments. Include the following required tasks and deliverables in the Scope of Work for the proposed program. The bidder shall plan for the completion of these required tasks in the proposed program budget and schedule.

TASK 1: CONTRACT MANAGEMENT

A. Kickoff Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

The Contractor shall:

- Attend a “kick-off” meeting with the Commission Contract Manager, the Contracts Officer, and a representative of the Accounting Office. The Contractor shall bring their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the Commission Contract Manager to this meeting. The administrative and technical aspects of the Agreement will be discussed at the meeting. Prior to the kick-off meeting, the Commission Contract Manager will provide an agenda to all potential meeting participants.

The administrative portion of the meeting shall include, but not be limited to, the following:

- Terms and conditions of the Agreement
- Critical Project Reviews – expectations and schedule
- Leverage fund documentation
- Permit documentation

The technical portion of the meeting shall include, but not be limited to, the following:

- The Commission Contract Manager’s expectations for accomplishing tasks described in the Scope of Work;
- An updated Schedule of Deliverables
- Processes for submitting, reviewing and approving Progress Reports, Task Deliverables and Final Report

The Commission Contract Manager shall designate the date and location of this meeting.

B. Invoices

The Contractor shall prepare an invoice for all contract expenses performed at each stage of the proposed program. The official invoice is to be submitted to the Energy Commission’s Accounting Office.

The Contractor shall prepare an invoice for all contract expenses performed. The official invoice is to be submitted to the Energy Commission’s Accounting Office.

C. Subcontractors

In the event subcontractors are part of the contractor’s proposal, the contractor shall manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work. If new subcontractors are added, the contractor shall notify the CCM who will follow the Energy Commission’s process for adding or replacing subcontractors.

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

D. Monthly Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of the project. This task includes the mandatory reporting activities for the ARRA SEP programs.

The Contractor shall:

- Prepare progress reports which summarize all contract activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the contract within the current budget and any anticipated cost overruns.
- Submit each progress report to the CCM within 15 working days after the end of the reporting period.
- Submit electronic data to ARRA SEP tracking and reporting entities (e.g. the Energy Commission, OMB, and DOE).

Deliverables:

- Monthly Progress Reports
- Monthly submittal of electronic data to ARRA SEP tracking and reporting entities

CRITICAL PROGRAM REVIEWS

The goal of this task is to determine if the Contractor's program should continue to receive SEP funding and whether there are any modifications that need to be made to the tasks, subtasks, deliverables, schedule, or budget. The first Critical Program Review (CPR) shall be held within the first six months of the contract start date to determine the level of funding that is appropriate for the tasks and to insure work will be completed on schedule. Additional CPRs shall be scheduled throughout the term of the agreement.

CPRs provide the opportunity for frank discussions between the Energy Commission and the Contractor. CPRs generally take place at key, predetermined points in the Agreement, as determined by the CCM and as shown in the Task List and in the Schedule of Deliverables. However, the CCM may schedule additional CPRs as necessary.

Participants in the CPR's include the CCM and the Contractor, and may include the Energy Commission Contracts Officer, one or more members of the ARRA Committee or their designee, other Energy Commission staff and management, and any other individuals selected by the CCM to provide support to the Energy Commission.

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

The Energy Commission Contract Manager shall:

- Determine the location, date and time of each CPR meeting with the Contractor. These meetings generally take place at the Energy Commission, but they may take place at another location.
- Send the Contractor the agenda and a list of expected participants in advance of each CPR.
- Conduct and make a record of each CPR meeting. One of the outcomes of this meeting will be a schedule for providing the written determination described below.
- Determine whether to continue the program, and if so, whether or not to modify the tasks, subtasks, schedule, deliverables, and budget for the remainder of the Agreement, including not proceeding with one or more tasks. If the Energy Commission Contract Manager concludes that satisfactory progress is not being made, this conclusion will be referred to the Energy Commission's ARRA Committee for its concurrence.
- Provide the Contractor with a written determination in accordance with the schedule. The written response may include a requirement for the Contractor to revise one or more deliverables that were included in the CPR. The written determination may also include the Energy Commission decision on the amount of ARRA SEP funds to disencumber from the Agreement.

The Contractor shall:

- Prepare a CPR report for each CPR that discusses the progress of the Agreement toward achieving its goals and objectives. This report shall include recommendations and conclusions regarding continued program activities. This report shall be submitted along with any other deliverables identified in the Scope of Work. These documents shall be submitted to the CCM and any other designated reviewers at least 15 working days in advance of each CPR meeting.
- Present the required information at each CPR meeting and participate in a discussion about the Agreement.

Contractor Deliverables:

- CPR Report
- CPR deliverables identified in the Scope of Work

Final Report

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work done under this contract. The CCM will review and approve the Final Report. The Final Report must be completed on or before the end date of the contract.

The Final Report shall be a public document

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

TASK 2: PROGRAM DELIVERY

A. IMPLEMENTATION PLAN

The goal of this task is to develop a detailed plan to complete the proposed program.

The Contractor shall:

- Prepare a Draft Implementation Plan that includes, but is not limited to, the following:
- A detailed presentation of how the proposed program will deliver the goals, objectives and strategies of this RFP and the tasks in the Scope of Work.
- A list of the specific activities that will be conducted to deliver the proposed program,
- Explanations for how the contractor, and each subcontractor and program partner will contribute to the completion of the proposed program activities,
- Explanations for how the contractor, each subcontractor and program partner will comply with the ARRA SEP program reporting and M&E data collection requirements.
- A timeline for the proposed program that delineates the schedule for each program activity,
- Milestones that can be used to gauge progress towards the proposed program objectives,
- Contingency plans for the critical components of the proposed program.
- Present the draft Implementation Plan to the Commission Contract Manager via a phone conference or physical meeting,
- Prepare the Final Implementation Plan that addresses the comments received on the draft plan.

Programs that are proposed to target multi-family buildings that may be outside the scope of HERS II and Home Performance with Energy Star shall explain in their Implementation Plan how they would propose to establish parallel and comparable energy audit and field verification approaches to conduct Third Tier level of services to achieve whole building energy efficiency opportunities unique to multi-family buildings. The Energy Commission will provide feedback on these proposed approaches and will provide direction for how to extend HERS II approaches to establish energy audit and field verification procedures that are parallel and comparable.

If the proposed program includes separable components, the Implementation Plan shall discretely delineate the activities, partners, timelines, milestones and contingency plans separately for each component.

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

Deliverables:

- Draft Implementation Plan
- Final Implementation Plan

B. ADDITIONAL SUBTASKS

Include additional subtasks under the Program Delivery Task as necessary to successfully complete the proposed program. The following list of subtasks includes examples of appropriate program activities that could be included as Program Delivery subtasks:

- Workforce Development
- Participant Recruitment
- Home Energy Ratings
- Retrofit Installations
- Quality Assurance
- Verification of Energy Savings
- Conformance with California Law
- Collaboration with National and State Programs
- Program Reporting

Each subtask shall include a description of the task goal, a list of contractor activities, and resulting deliverables.

Deliverables and Due Dates

Summarize the deliverables and due dates for the Scope of Work in a tabular format. The deliverables already listed are contract requirements that the bidder must incorporate into the proposed deliverables list and also budget and schedule resources for in the proposal.

III. PROGRAM PROPOSAL REQUIREMENTS CONTINUED

Task	Deliverable	Due Date
1	Monthly Progress Reports	Monthly
1	Critical Program Review Reports	
1	Final Report	
2	Draft Implementation Plan	
2	Final Implementation Plan	

C. BUDGET AND SCHEDULE

Using the budget forms, provide a budget and schedule for each task and subtask included in the proposed Scope of Work. The Bidder shall provide all budget detail for the requested SEP funding level. This budget should reflect the most robust program you can deliver within the expenditure deadline.

Demonstrate that the budget information is consistent with the proposed scope of work and itemizes reasonable costs for personnel, subcontractors, materials, operating expenses, fees, etc., for each subtask. Provide sufficient budget information to allow the Energy Commission to evaluate that there is an appropriate ratio of direct versus indirect costs considering Indirect Overhead, General and Administrative and Profit percentage rates. Indicate the total program budget, ARRA SEP budget, and the leveraged funds budget for each task and subtask in the scope of work. Justify the expenditures by subtask by itemizing the budget in sufficient detail. The budget should be delineated by personal services, subcontractors, operating expenses, fees, and total expenditures. Demonstrate that the key personnel and subcontractors will be committed to the proposed program for the appropriate number of hours and functions to accomplish the activities described in the scope of work. See Exhibit B and the instructions for completion of the Budget forms.

CLIENT REFERENCES

Include three customer references for the Bidder and each subcontractor.

IV. Proposal Format and Required Documents

ABOUT THIS SECTION

This section contains the format requirements and instructions for responding to this RFP. The format is prescribed to assist the Bidder in meeting State bidding requirements and to enable the Energy Commission to evaluate each proposal uniformly and fairly. Bidders must follow all Proposal format instructions, answer all questions, and supply all requested information.

LIMITATION IN THE PROPOSAL FORMAT AND LENGTH

Proposals must be presented in a clear, complete, and concise manner. The Technical Program Proposal (Volume II), exclusive of Table of Contents and Attachments, shall be kept to a maximum of fifty (50) pages. Bidders are strongly encouraged to limit the length of their proposals while adequately covering the proposal requirements.

NOTICE OF INTENT TO BID REQUIREMENT

Bidders are **required** to submit a "Notice of Intent to Bid" (RFP Attachment 10) to the Energy Commission by the date and to the address listed in this RFP. The Notice may also be faxed to the Energy Commission's Contracts Office at (916) 654-4423 before the deadline. This Notice will be used to aid the Energy Commission in determining the resources needed for evaluation of proposals that are subsequently submitted. All Notices of Intent to Bid received by the Energy Commission will be kept confidential until the Notice of Proposed Awards is posted.

Bidders that fail to submit a Notice of Intent to Bid by the specified deadline are precluded from submitting a proposal for consideration under this solicitation. A proposal submitted by the bidder will be rejected, and will not be scored or considered for funding.

REQUIRED FORMAT FOR A PROPOSAL

All proposals submitted under this RFP must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred. Binders are discouraged.

NUMBER OF COPIES

Bidders must submit the original and 5 copies of the Administrative Response (Volume 1), and Technical Program Proposal (Volume 2).

Bidders must also submit electronic files of the proposal on **CD-ROM diskette** along with the paper submittal. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Electronic files submitted via e-mail will not be accepted.

IV. Proposal Format, Required Documents, and Delivery Continued

PACKAGING AND LABELING

The original and copies of each volume must be labeled "Request for Proposal 400-09-403," and include the title of the proposal and the appropriate volume number:

Volume 1 – Administrative Response

Volume 2 – Technical Program Proposal

Include the following label information and deliver your proposal, in a sealed package:

Person's Name, Phone # Bidder's Name Street Address City, State, Zip Code FAX #	RFP 400-09-403 Contracts Office, MS-18 California Energy Commission 1516 Ninth Street, 1st Floor Sacramento, California 95814
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PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a proposal by:

- U. S. Mail
- Personally
- Courier service

Proposals must be delivered no later than 5:00 p.m., to the Energy Commission Contracts Office during normal business hours and prior to the date and time specified in this RFP. In accordance with Public Contract Code 10344, proposals received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not accepted under any circumstances and are not acceptable toward meeting the submission deadline for proposal delivery. Organize your Proposal as follows:

IV. Proposal Format, Required Documents, and Delivery Continued

ORGANIZE YOUR PROPOSAL AS FOLLOWS:

VOLUME 1, Administrative Response

Cover Letter	
Table of Contents	
Contractor Status Form	Attachment 1
Darfur Contracting Act Form	Attachment 2
Small Business Preference Certification (if applicable)	Attachment 3.1
Completed Disabled Veteran Business Enterprise form	Attachment 3.2
Disabled Veteran Enterprise Declarations; Std. 843	Attachment 3.3
Bidder Declaration form GSPD-05-105	Attachment 3.4
Contractor Certification Clauses	Attachment 4
Target Area Control Preference Act (if applicable)	Attachment 7
Enterprise Zone Act (if applicable)	Attachment 8
Local Agency Military Base Recovery Act (if applicable)	Attachment 9
Notice of Intent to Bid (mandatory)	Attachment 10
Executive Summary	Attachment 11
National Environmental Protection Act (NEPA)	Attachment 12
Davis Bacon Act Prevailing Wage Q&A	Attachment 13
California Law Prevailing Wage Requirements	Attachment 14
Bidder Authorizing Resolution	Attachment 15
Auditing Consideration	Attachment 16
Financial Management Information	Attachment 17
California Environmental Quality Act(CEQA) Compliance Form	Attachment 18
Reporting and Tracking Spreadsheets	Attachment 19
National Historic Preservation Act(NHPA)	Attachment 20
Budget Workbook Exhibit-A, Ex-B, Ex-F	Attachment 21

VOLUME 2, Program Proposal

Program Title	
Program Executive Summary	
Program Design	
• Leverage Funding	
• Sustainability/Lasting Changes in the Market	
• Regional Approach	
• Quality Assurance	
• Conformance with California Law	
• Collaboration with National and State Programs	
• Targeting Economically Disadvantaged Areas	
• Verification of Energy Savings	
• Participant Recruitment and Communication	

IV. Proposal Format, Required Documents, and Delivery Continued

- Program Cost Effectiveness
- Team Organizational Structure

Workforce Development and Job Creation

Energy, Peak Demand and GHG Emissions Reduction

Time Criticality

Program Transparency and Reporting

Scope of Work and Deliverables

Budget and Schedule

Client References

V. Administrative Information

This Section V Proposal Administration contains information that applies to this RFP and normally applies to Energy Commission solicitations. The following Section VI ARRA Specific Important Information, contains information that applies to this RFP that is unique to ARRA funding.

RFP DEFINED

The competitive method used for this solicitation is a Request for Proposal (RFP). A proposal submitted in response to this RFP will be scored and ranked based on the Evaluation Criteria. Every proposal must establish in writing the Bidder's ability to perform the RFP tasks and propose a set of tasks acceptable to the Energy Commission.

EQUIPMENT PURCHASES

The Bidder must include any proposed equipment purchases in the budget. The Energy Commission recommends that you use your own funds as well as other sources of funds which would be considered leverage funds to procure and/or build equipment. See definition of "Equipment" in Section I Key Words and Their Definitions.

Equipment purchased with Federal funds is subject to the equipment provisions of Title 10 Code of Federal Regulations (CFR) Part 600: DOE Financial Assistance Regulations (<http://ecfr.gpoaccess.gov>). If State funds are used to purchase or build equipment, the State retains ownership interest in the equipment.

Confidential Submittals Will Not Be Accepted

The Energy Commission will not accept or retain any proposals that are marked confidential in their entirety or seek to have any part of the proposal treated as confidential.

Treatment of Proposals

All proposals submitted will become public records and available for inspection after the Energy Commission completes the evaluation and/or scoring process and the Notice of Proposed Awards is posted or the RFP is cancelled. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples

Information Considered Confidential

Consistent with its confidentiality regulations, and the California Public Records Act (Government Code Section 6250 et. seq), the Energy Commission generally will grant confidential treatment for information that will be an Agreement deliverable that is information typically held in confidence. Examples include:

V. Administrative Information continued

- Information that is patent pending (until a patent has been approved), including patent application numbers
- Technical trade secrets (e.g., detailed technical drawings)
- Marketing/business trade secrets (e.g., energy use data for an individual commercial or industrial facility, pending strategic partnerships with manufacturers)
- Economic/financial trade secrets (e.g., income tax records).

Conversely, the Energy Commission will **not** allow confidential treatment for certain other types of information. Bidders are cautioned against seeking confidentiality for the following types of information:

- Project descriptions/scope of work (including task descriptions, schedule of deliverables and due dates).
- Proposed project budgets (ARRA and leverage fund), including labor rates, overhead, direct labor, other direct costs, profit, and the like.
- Disabled Veterans Business Enterprise information.
- Names of employees, subcontractors and leverage fund participants.
- Test plans and reports.
- Progress reports.
- Final reports.

The Energy Commission may allow technical and business trade secrets to be reported in separate confidential addenda to test reports and final reports.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Some of the Programs selected for funding may meet the definition of a “project” for purposes of CEQA (see Public Resources Code section 21000 et seq.) If this occurs, the Energy Commission’s Legal Staff will review the Program to determine whether an exemption applies that would prevent further actions under CEQA. If no exemption applies, certain CEQA requirements (e.g., preparation of a negative declaration or environmental impact report) will have to be met prior to the Energy Commission approving the agreement. The Bidder will have to pay the cost for these activities. (Please refer to Title 20, California Code of Regulations, Chapter 6, Article 1, including section 2308.)

COST OF DEVELOPING PROPOSAL

The Bidder is responsible for the cost of developing a proposal, and this cost cannot be charged to the State.

V. Administrative Information continued

DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, all Requests for Proposals (RFP) must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency. (See # 1 on Attachment 2).

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 2).

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS

The Disabled Veteran Business Enterprise (DVBE) Program does not apply to prime contractors that are local governments. The DVBE Program has two inter-related aspects:

Participation Goals: The mandatory DVBE Participation Program of achieving participation goals (normally 3% for disabled veteran business enterprises) by attaining the minimum 3% goal.

And,

Incentive: The DVBE Incentive Program gives a contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

This RFP is subject to a participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 *et seq.* Before you begin to prepare your response to this RFP, you will need to document DVBE Participation Program requirements.

V. Administrative Information continued

If it is in the State's best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this RFP;
- Amend this RFP as needed; or
- Reject any or all proposals received in response to this RFP

RFP CANCELLATION AND AMENDMENTS

If it is in the State's best interest, the Energy Commission may amend or cancel this RFP. It is the policy of the Energy Commission not to solicit proposals unless there is a bona fide intention to award an Agreement. The Energy Commission reserves the right to do any of the following:

- Cancel this RFP.
- Revise the amount of funds available under this RFP.
- Amend or revise this RFP as needed.
- Reject any or all proposals received in response to this RFP.
- Make no awards under any one or more solicitations; or to award all funds under one or more solicitations; or to award all funds to one bidder.

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission's Web Site www.energy.ca.gov/contracts and Department of General Services' Web Site www.cscr.dgs.ca.gov/cscr.

ERRORS

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Energy Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice to all parties who requested the RFP, without divulging the source of the request for clarification. The Energy Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF PROPOSAL

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be "timed" to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: "This proposal and the cost estimate are valid for 60 days."

V. Administrative Information continued

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in a Bidder's proposal. The Energy Commission's waiver shall in no way modify the proposal or excuse the successful Bidder from full compliance.

BIDDERS' ADMONISHMENT

Prior to submitting a Proposal, Bidders must take the responsibility to:

- Carefully read the entire RFP.
- Ask appropriate questions in a timely manner.
- Submit all required responses in a complete manner by the required date and time.
- Make sure that all procedures and requirements of the RFP are followed and appropriately addressed.
- Carefully reread the entire RFP before submitting a Proposal.
- Read all sample agreement terms and conditions and ask questions by the deadline established for the solicitation.

GOVERNING BOARD DOCUMENTATION

Prior to the execution of any agreement by a city or county, all city and county bidders must provide an original signed resolution (or copy with original signed certification), order, motion, or ordinance of the local governing body that by law has authority to enter into the agreement. This document must authorize the recipient to enter into the agreement and designate an authorized representative to execute all necessary agreements to implement and carry out the purposes of the award. If an eligible bidder is applying under a collaborative partnership involving several local governments, the governing board resolution or order must state the bidder is authorizing the collaborative lead/prime bidder to apply for and receive funding on its behalf. The recipient cannot begin Energy Commission-funded work until the resolution, order, motion, or ordinance has been fully executed and submitted to the Energy Commission and the Energy Commission has approved the funding award agreement. The Energy Commission reserves the right to withdraw a proposed award if these governing board resolutions are not received by January 18, 2010.

In addition, whenever a local government is serving as the collaborative lead/prime bidder, that local government shall provide documentation that it is authorized by its governing board to submit a proposal on behalf of the other collaborative partners in the proposed program. Proposals should also include letters of commitment from each collaborative partner that describe their role in the proposed program and, in the case of local governments, the intent to provide the governing board resolution described in the first paragraph above by no later than January 18, 2010, if the proposal is selected for funding and included in the Notice of Proposed Awards.

V. Administrative Information continued

AGREEMENT REQUIREMENTS

The content of this RFP shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this RFP.

No Contract Until Signed & Approved

No agreement between the Energy Commission and the successful Bidder is in effect until the agreement is signed by the Contractor, approved at a Energy Commission Business Meeting, and approved by the Department of General Services, Legal Office, if required.

Conditions or Limits on Awards

The Energy Commission reserves the right to condition, modify or otherwise limit any and all ARRA funding awards made pursuant to this RFP.

Audit

The Bureau of State Audits may audit an Agreement awarded under this RFP up to a period of three years after the final payment or termination of the Agreement.

Subcontractors

The Bidder must submit the information required in the Program Team Qualifications and Experience section of the proposal for all Subcontractors including DVBE subcontractors as well as the budget forms.

The Contractor is responsible for the quality of all subcontractor work, and may only replace Subcontractors as specified under the Agreement Terms and Conditions.

Contract Amendment

The contract executed as a result of this RFP will be able to be amended by mutual consent of the Energy Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions of subcontractors, changes in project scope, reductions in funding or availability of funding.

INTERPRETATION

Nothing in this RFP shall be construed to abridge the powers or authority of the Energy Commission or any Energy Commission-designated Committee as specified in Division 15 of the Public Resources Code, commencing with Section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with Section 1001.

APPROVAL OF AWARD

After Stage Two scoring and the ARRA Committee's decision on the SEP portfolio funding considering the rank order of eligible proposals under the Solicitations, the Notice of Proposed Awards (NOPA) for each solicitation will be posted for five (5) working days at the Energy Commission's headquarters in Sacramento, and on the

V. Administrative Information continued

Energy Commission's and the DGS' web site. In addition, each Bidder under this solicitation will be mailed a copy of the NOPA for this solicitation. Upon completion of the five (5)-day notice period, an award package will be prepared and sent to each successful Bidder. The award package will include at a minimum the following:

- An agreement that includes the terms and conditions applicable to the award, and signature blocks for the recipient and Energy Commission.
- A detailed description of project activities.
- A schedule of project activities and corresponding due dates.
- An itemized budget for the project that identifies all related costs and expenses, including leveraging funding and sources.

The Energy Commission will not consider any substantive changes to the Agreement "terms and conditions" contained in this RFP. If, for any reason, a successful Bidder does not sign the Agreement documents within the time allotted, the Energy Commission may eliminate that Proposal from its award list and select the next highest ranked Proposal for funding from the SEP portfolio funding rank order of eligible proposals under the Solicitations.

The Energy Commission will consider approval of each Agreement at a publicly noticed Energy Commission Business Meeting. The Energy Commission at that time may approve more than one Agreement.

The Energy Commission reserves the right to reduce an agreement amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Energy Commission contracts. In this event the Contractor and the Energy Commission Contract Manager shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

UNSUCCESSFUL PROPOSALS

After the NOPA is posted, each unsuccessful Bidder may request a debriefing meeting with the Energy Commission Contract Office. The debriefing meeting is an opportunity for an unsuccessful Bidder to learn why their particular proposal was not successful and may provide insight to improving proposal preparation for future solicitations.

APPROVAL OF AWARDS

The ARRA Committee will make recommendations for all funding awards, and an agreement will be prepared. The agreement will include the project description, work statement tasks and milestones, budget, and schedule. The agreement must be approved at an Energy Commission Business Meeting. Failure to meet any work statement task or milestone within the schedule or budget specified in the agreement may result in cancellation of the agreement by the Energy Commission.

V. Administrative Information continued

The Energy Commission reserves the right to reduce an agreement amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Energy Commission contracts. In this event the Contractor and the Energy Commission Contract Manager shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

AWARD PAYMENTS AND INVOICING

Award payments shall be subject to the following conditions:

- Payments will be made on a reimbursement basis, after the recipient submits the appropriate invoice(s) to the Energy Commission. (If a bidder is receiving funds from other funding source(s), total funds requested from all sources shall not exceed the total cost of the project.
- Ten percent (10%) of the agreement amount will be withheld as retention until the final report is received from the bidder and the Energy Commission's Contract Manager determines the Project has been satisfactorily completed. Typically, the Energy Commission withholds 10% from each invoice throughout the program period, then the bidder submits a retention invoice once all contract deliverables have been satisfactorily completed. If requested, the Energy Commission can pay up to 90% of the agreement amount before the end of the agreement instead of withholding retention from each invoice.
- All invoices must be submitted with a completed payment request form, as specified by the Energy Commission, and accompanied by all backup documentation. The backup documentation must include copies of paid invoices and receipts detailing the specific equipment purchased, the services produced, and personnel time records where appropriate.
- Prior to final payment, the Energy Commission reserves the right to verify that the amount of the agreement, when combined with all other sources of funding for the project, including any utility rebates or incentives, does not exceed 100% of the total project cost.
- Energy Commission staff must approve all invoices. Such approval is subject to the recipient's acceptable submittal of the required progress reports, other specified products, and the appropriateness of the invoiced expenses under the agreement.

GROUND TO REJECT A PROPOSAL

A Proposal shall be rejected if:

- It is received after the exact time and date set for receipt of Proposal's pursuant to Public Contract Code, Section 10344.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- DVBE advertising is less than 14 days prior to bid due date.

V. Administrative Information continued

- It is lacking a properly executed Certification Clauses.
- It is lacking a properly executed Darfur Contracting Act.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
- The proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the proposal and the attribute, condition, or capability is a requirement of this RFP.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
- Non-compliance with the Single Audit Act and OMB Circular A-133..
- An Intention to Bid was not received prior to the due date specified.
- The bidder is seeking confidentiality of its proposal or of its contents.

A Proposal may be rejected if:

- It is not prepared in the mandatory format described.
- It is unsigned.
- The firm or individual has submitted multiple proposals for each task.
- It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.

PROTEST PROCEDURES

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, the Energy Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five working days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Energy Commission Contracts Office.
- Within five days after filing the protest, the protesting Bidder must file with the DGS and the Energy Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the RFP is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Energy Commission for the DGS hearing officer consideration.

V. Administrative Information continued

VI. ARRA SPECIFIC IMPORTANT INFORMATION

This section provides information that is specific to this ARRA funded solicitation. Most of these paragraphs have been taken from the Energy Commissions State Energy Program Guidelines adopted September 30, 2009.

LEVERAGE FUNDING

Leverage funding may be separate funding, rebates (from utilities or other sources), tax credits, in-kind services, or any combination thereof. In-kind contributions include, but are not limited to, donated labor hours, equipment, facilities, property, and arrangements with partners, including utilities and others, to contribute to the goals and purpose of the program. Separate funding may be contributed by the Bidder, public or private partners or investors, or investment in retrofits from the property owners participating in the proposed program.

Prior investments in the work related to the Bidder's proposed program do not qualify as leverage funding. If the Bidder is applying for funds under more than one SEP program RFP using the same leverage funding, the Bidder shall provide the percentage of this leverage funding that is being identified for each program. The Bidder shall explain how this percentage will change for each program if the Bidder is not awarded SEP funding for its proposals for the other programs, where applicable.

Equipment, facilities and most property can count as leverage funding as long as they are fully dedicated to the program for the time the equipment, facility or property is required by the Agreement, and as long as the value of the contribution is based on documented market values or book values and is depreciated or amortized over the term of the program using standard accounting principles. Equipment, facilities and property that do not qualify as Leverage funds include standard office supplies and other property or equipment that are part of the Bidder's normal business activity (including desks, typewriters, telephones, computers, and software).

The Energy Commission reserves the right to review and approve or disapprove the types and amounts of leverage funding credited to the proposed program.

Budgets shall show leverage funding contributions at the task level and for each source. Utility rebates and in-kind services that contribute to achievement of the proposed program, for example, must be clearly identified.

Leverage funding contributions must be spent concurrently with SEP funds, and only on the tasks described in the proposal.

SEP funds cannot be spent until the Department of General Services, Office of Legal Services (DGS-OLS) approves the Agreement, which has already been signed by both the Contractor and the Energy Commission. Leverage funds may be spent between the date the Energy Commission approves the Agreement and the date the Agreement is approved by DGS-OLS subject to prior written approval by the Commission Contract Manager and at the contractor's own risk.

VI. ARRA SPECIFIC IMPORTANT INFORMATION CONTINUED

The loss of leverage funding during the Agreement is a reason for the Energy Commission to hold a Critical Project Review and may result in the termination or amendment of the Agreement.

Leverage funding is evaluated and scored as part of the evaluation criteria. For additional information about leverage funding, see Section III Program Proposal Requirements.

TRANSPARENCY AND REPORTING

The American Recovery and Reinvestment Act has made it clear that every taxpayer dollar spent on our economic recovery must be subject to unprecedented levels of transparency and accountability.⁷ The federal government has set the following accountability and transparency objectives:

- Funds are awarded and distributed in a prompt, fair, and reasonable manner;
- The recipients and uses of all funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner;
- Funds are used for authorized purposes and instances of fraud, waste, error, and abuse are mitigated;
- Projects funded under this Act avoid unnecessary delays and cost overruns; and
- Program goals are achieved, including specific program outcomes and improved results on broader economic indicators.

Recipients of funding appropriated by the Act shall comply with requirements of applicable Federal, State, and local laws, regulations, DOE policy and guidance⁸, and instructions in Funding Opportunity Announcement (FOA) DE-FOA-0000052⁹.

Recipients shall ensure that the requirements of applicable Federal, State and local laws, regulations, DOE policy and guidance, and instructions in FOA DE-FOA-0000052 are communicated to sub-recipients to the extent necessary to ensure the recipient's compliance with the requirements.

The federal government created the Recovery and Transparency Board to coordinate and conduct oversight of funds distributed under ARRA to prevent fraud, waste and abuse. California created the Office of the Inspector General to insure that stimulus dollars are spent wisely and well, including the deterrence, detection and disclosure of any fraud, waste and abuses.

DOE encourages a high degree of leveraging to extend the impact of the ARRA funds, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related guidance.

⁷ Information regarding accountability and transparency can be found at <http://www.recovery.gov/?q=content/accountability-and-transparency> and http://www.inspectorgeneral.ca.gov/General_Information.html.

⁸ <http://www.recovery.gov/sites/default/files/m09-15.pdf>

⁹ http://www.energy.ca.gov/recovery/documents/SEP_Recovery_Act_Guidance_DE-FOA-00000521.pdf

VI. ARRA SPECIFIC IMPORTANT INFORMATION CONTINUED

Details on reporting requirements can be found in the Office of Management and Budget reporting requirements listed in the Reference Documents section.

The current OMB and DOE reporting requirements are listed in the tables included in Attachment X. Additional requirements necessary for the measurement and evaluation (M&E) of the ARRA SEP programs will be required by the Energy Commission. Examples of these reporting requirements in Section III, Verification of Energy Savings.

INFORMATION ON COMPLYING WITH SINGLE AUDIT ACT

If you are a public entity expecting to receive and use any federal funds, you must comply with the Single Audit Act and Office of Management and Budget (OMB) Circular A-133.

[How to Comply with the Single Audit Act
\(http://www.energy.ca.gov/recovery/documents/2009-08-17_OMB_A-133_The_Single_Audit_Act.pdf\)](http://www.energy.ca.gov/recovery/documents/2009-08-17_OMB_A-133_The_Single_Audit_Act.pdf). (PDF file)

PERIOD OF PERFORMANCE

Pursuant to the federal SEP guidelines, all activities that are awarded funds must be completed and funds must be expended by March 31, 2010.

A bidder may not begin work pursuant to this RFP prior to the Energy Commission's approval and execution of the bidder's agreement. Project expenses incurred prior to the approval and execution of an agreement are not eligible for reimbursement under the agreement.

TRACKING AND REPORTING

Though recipients are encouraged to use SEP funding in conjunction with other funding, tracking and reporting of SEP funding must be separate to meet federal reporting requirements. The terms and conditions of the award will specify the format, tools and information required for reporting programmatic and energy metrics as specified by the federal government.

PROJECT EXTENSIONS

Projects funded pursuant to this RFP must be completed and funds must be expended by March 31, 2012, or such earlier date as specified in the agreement. If the Energy Commission determines that insufficient progress is being made toward implementing the project, and that there is significant risk that all funds will not be expended by the date specified in the agreement, the agreement will be terminated or amended and, if time allows, the funds will be reallocated as specified in "Reallocation of Funds."

PROJECT CHANGES

Changes to a project's work statement, including changes to specific line items in the project budget, may be approved by the ARRA Committee under the following conditions:

VI. ARRA SPECIFIC IMPORTANT INFORMATION CONTINUED

1. Such changes do not substantially alter the original scope or purpose of the project as proposed in the application and as approved by the ARRA Committee and/or full Energy Commission.
2. Such changes do not substantially reduce the value of the project. Unless otherwise indicated in the agreement, all changes are subject to necessary approval by the ARRA Committee. The recipient shall notify Energy Commission staff in writing and obtain either ARRA Committee or full Energy Committee approval in advance of implementing any such changes.

REALLOCATION OF FUNDS

Funding may be reallocated as necessary to best achieve the overall goals of ARRA and to comply with state law and policy. Funds identified in an RFP may be reallocated and used for another ARRA purpose only after the RFP has closed and awards have been made, or the RFP has been cancelled. The Energy Commission may reallocate funds in an agreement if it determines that insufficient progress is being made towards implementing the project, and that there is a significant risk that all funds in the agreement will not be expended by the date specified. The Energy Commission may terminate or amend an agreement to accomplish this reallocation.

PROGRAM EVALUATION, PROJECT MONITORING, AND VERIFICATION

Proper stewardship surrounding the administration, reporting, accounting and transparency of ARRA funds is essential in the Energy Commission's administration of the ARRA SEP. Federal and state agencies, the Energy Commission, or their respective agents will audit a sample of funding recipients to verify compliance with the ARRA reporting requirements, the *Guidelines* and the solicitation document, and to measure and verify appropriate use and expenditure of ARRA funds, as well as validate electricity and fuel use reductions. In addition, the Energy Commission will monitor the progress of contract agreements and evaluate the effectiveness of particular projects.

ENFORCEMENT ACTION

1. Recovery of Overpayment
The ARRA Committee, with the concurrence of the Energy Commission, may direct the Energy Commission's Office of Chief Counsel to commence formal legal action against any recipient or former recipient to recover any portion of a funding award the Committee determines the recipient or former recipient was not otherwise entitled to receive.
2. Fraud and Misrepresentation
The Energy Commission or the ARRA Committee may initiate an investigation of any recipient which it has reason to believe may have misstated, falsified, or misrepresented information in applying for a funding award, invoicing for a funding award payment, or in reporting any information as required by these Guidelines. Based on the results of the investigation, the Energy Commission or ARRA Committee may take any action it deems appropriate, including, but not

VI. ARRA SPECIFIC IMPORTANT INFORMATION CONTINUED

limited to, cancellation of the funding award, recovery of any overpayment, and recommending the initiation of an Attorney General investigation and prosecution pursuant to Government Code sections 12650, et seq., or other provisions of law. The State of California, through the Attorney General's Office or other state agency, may independently investigate any recipient and bring actions for fraud, misrepresentation, or misuse of SEP funds as appropriate.

3. Federal Action

The Federal government, through various departments, including, but not limited to, DOE and the U.S. Department of Justice, may independently investigate any recipient and bring actions for fraud, misrepresentation, or misuse of SEP funds as appropriate.

CRITICAL PROGRAM REVIEWS

The CCM will conduct a Critical Program Reviews (CPR) for each agreement. The first CPR will be scheduled to occur within the first six months of the agreement to determine the level of performance and the anticipated ability of the contractor to achieve the most benefit within the approximately two-year time available between contract awards and the ARRA SEP project implementation deadline.

USE AND DISCLOSURE OF INFORMATION AND REPORTS

The Energy Commission, other state agencies, the federal government, or their respective authorized agents may use any information or records submitted to the Energy Commission or obtained as part of any audit pursuant to these *Guidelines* to determine eligibility and compliance with these *Guidelines*, applicable law, or a particular contract agreement, to evaluate the pertinent program or program elements, and to prepare necessary reports as required by law. The information and records include, but are not limited to, applications for funding, invoices for award payments, and any documentation submitted in support of said applications or invoices.

Information and records submitted pursuant to the *Guidelines* will be disclosed to other governmental entities and policing authorities for civil and criminal investigation and enforcement purposes. This information and records may also be disclosed to the public pursuant to the California Public Records Act (Government Code Section 6250, et seq.). Personal information, such as taxpayer identification or social security numbers, will not be disclosed to the public.

Bidders should note that ARRA funds are subject to information disclosure requirements through the federal Office of Management and Budget as well as other federal agencies to ensure transparency. Information concerning the identity of recipients and the amount of payment of awards is public information, and will be disclosed as part of the ARRA transparency requirements and in accordance with the California Public Records Act. This information, along with other public information describing the funding recipients, may be disclosed to members of the public to educate them and encourage further program participation. The information may be disclosed through the Energy

VI. ARRA SPECIFIC IMPORTANT INFORMATION CONTINUED

Commissions website, another state agency's website, a federal government website, or through other means.

If, as part of any audit, the Energy Commission requires a recipient to provide copies of records that the recipient believes contain proprietary information entitled to protection under the California Public Records Act or other law, the recipient may request that such records be designated confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.

PAYMENT OF PREVAILING WAGES

Section 1606 of ARRA broadly applies the Davis-Bacon Act labor standards requirements to ARRA-funded construction projects by specifying that:

Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code [Davis-Bacon Act].

Bidders in response to this solicitation should be advised that whenever proposed program funding is used for construction where the construction is completed by contractors/subcontractors who employ laborers and/or mechanics specified by the U.S. Department of Labor (DOL), those laborers and/or mechanics must be paid at prevailing wage rates. DOL (and the California Department of Industrial Relations (DIR)) maintains a list of the covered trades and the applicable prevailing wage for each trade.¹⁰

Bidders are encouraged to determine if the installation of energy efficiency measures under their proposed programs are subject to Davis-Bacon Act or the state law prevailing wage requirements as soon as possible. If the Bidder has determined that the work required under the Bidder's proposed program is not required to comply with the Davis-Bacon Act or state prevailing wage laws, the Bidder must explain how the Bidder made that determination and whether or not the Bidder has contacted DOL and DIR to confirm that determination. and whether DOL and DIR have provided the bidder with written determinations.

¹⁰ <http://www.gpo.gov/davisbacon/allstates.html>.

VI. ARRA SPECIFIC IMPORTANT INFORMATION CONTINUED

If the Bidder has not received a determination from DOL and DIR that installation of energy improvement retrofits is not subject to Davis-Bacon requirements, or cannot otherwise demonstrate to the Energy Commission that these requirements do not apply to the installation of retrofits under the Bidder's proposed program, the Bidder's budget must provide for the payment of prevailing wages. If the Bidder's proposed program identifies construction work to be completed by contractors or subcontractor employing laborers and/or mechanics subject to Davis-Bacon Act or state law prevailing wage requirements, the budget for the proposed program must provide for the payment of prevailing wages to those laborers and mechanics. Please indicate whether the proposed budget includes prevailing wage.

If the Bidder's proposed program identifies construction work to be completed by contractors or subcontractor employing laborers and/or mechanics subject to Davis-Bacon Act or state law prevailing wage requirements, the agreement between the Energy Commission and the Bidder will include provisions for complying with the prevailing wage requirements, including provisions for the payment of prevailing wage, keeping payroll records, and complying with working hour requirements and apprenticeship obligations. See the accompanying forms (Attachment __) for more information.

VII. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals. A Bidder's proposal will be evaluated and scored based on its response to the information requested in this RFP.

The entire evaluation process from receipt of proposals to the posting of the Notice of Proposed Award is confidential.

PROPOSAL EVALUATION

To review all proposals, the Energy Commission will organize an Evaluation Committee. The identity of the evaluators will be kept confidential during the selection process. The Energy Commission reserves the right to solicit technical input from other internal and external sources. This technical input will be utilized by the Evaluation Committee during the evaluation of the proposals. The proposals will be reviewed in two stages:

Stage One: Fulfillment of RFP Mandatory Format

After the period has closed for receipt of proposals, each proposal received prior to the time and date set for receipt of proposals is opened and examined to determine compliance with the RFP format requirements and grounds for rejection. If a proposal is not rejected for reasons stated in Grounds for Rejection, it may still be rejected if it does not meet the proposal format requirements or minimum administrative requirements.

Bidders who do not comply with the DVBE requirements will be rejected and proposals will not be evaluated in Stage Two.

Stage Two: Evaluation of Proposals

Proposals passing Stage One will be submitted to the Evaluation Committee to score proposals based on the Evaluation Criteria in this Section.

A bidder's proposal will be screened and scored based on its response to the information requested in this RFP. The Evaluation Committee, at its sole discretion, may interview a Bidder either by telephone or in person at the Energy Commission, and/or conduct a site visit at the Bidder's facilities for the purpose of clarification and verification of information provided in the Proposal. However, these interviews may not be used to change or add to the contents of the original proposal.

Proposals not attaining a score of 70 percent of the total possible points will be eliminated from further competition.

Ranking and Awards

Rankings for this RFP will be developed based on the Stage Two scores of all eligible proposals. Similar rankings will be established for the two other concurrent SEP

VII. EVALUATION PROCESS AND CRITERIA CONTINUED

solicitations, one for the Municipal Financing Program and the other for the Municipal and Commerical Building Targeted Measure Retrofit Program.

The ARRA Committee will determine how many proposals on each ranked list for each program area will be proposed for inclusion in the portfolio of SEP programs that will be recommended for funding under the Solicitations.

Notice of Proposed Award

Subsequent to the Proposal evaluations, the Energy Commission will post a "Notice of Proposed Award" at the Energy Commission's headquarters in Sacramento, and on the Energy Commission's Web Site.

Scoring Scale

The Evaluation Committee will give a score from zero (0) to ten (10) for each criterion described below. Each score will then be multiplied by a weighting factor to obtain the total points for that criterion. A total of 400 points are possible, 120 of which are cost points. The minimum passing score is 280 (70%). The point calculations reflect the averages of the combined scores of all Evaluation Committee members. Scores will be assigned in accordance with the following guidelines:

Point Scale

0 Points	<ul style="list-style-type: none">• Is not in substantial accord with the RFP requirements.• Has a potential significant effect on the amount paid or net cost to the State or the quality or quantity of product and/or service.• Provides an advantage to one competitor over the other competitors, for example, not paying minimum wages.
1-3 Points	<ul style="list-style-type: none">• The proposal states a requirement, but offers no explanation of how or what will be accomplished.• The response contains a technical deficiency which is an inaccurate statement or reference concerning the how, what, where, or when, which is part of an overall statement or description.
4-6 Points	<ul style="list-style-type: none">• Satisfies the minimum requirements and describes generally how and/or what will be accomplished.
7-9 Points	<ul style="list-style-type: none">• Satisfies the minimum requirements and specifically describes how and/or what will be accomplished in an <u>exemplary manner</u>, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).
10 Points	<ul style="list-style-type: none">• Exceeds the minimum requirements and specifically describes how and/or what will be accomplished both quantitatively and qualitatively, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).

VII. EVALUATION PROCESS AND CRITERIA CONTINUED

Summary

Weighting of Scoring Criteria

Stage 2 Scoring Criteria	Weighting	Cost Portion of Weighting/(Points)
1. Program Design	21	33%(7 pts)
2. Workforce Development and Job Creation	2	0%
3. Energy, Peak Demand and GHG Emissions Reductions	2	0%
4. Time Criticality	3	0%
5. Program Transparency and Reporting	1	0%
6. Program Team Qualifications and Experience	2	0%
7. Program Budget	5	100%(5 pts)
8. Work Statement	4	0%
TOTAL	40	30%(12 pts)

Preference Points

A Bidder may qualify for non-technical preference points such as Small/Micro Small Business, Non-Small Business, and Disabled Veteran Business Enterprises (DVBE). Each qualifying Bidder passing the minimum technical evaluation will receive the applicable preference points.

Small / Microbusiness

Bidders who qualify as a State of California certified small/microbusiness will receive a cost preference of five percent (5%) of the lowest cost or price offered by the lowest responsible Bidder who is not a certified small/microbusiness, by deducting this five percent from the small/microbusiness Bidder's cost, for the purpose of comparing costs for all Bidders.

Non-Small Business

The preference to a non-small business bidder that commits to small business or microbusiness subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the lowest, responsive, responsible bidder's price. A non-small business which qualifies for this preference may not take an award away from a certified small business.

Target Area Contract Preference Request

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders shall complete RFP Attachment 7 if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

VII. EVALUATION PROCESS AND CRITERIA CONTINUED

Enterprise Zone Request

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders shall review RFP Attachment 8 to determine if they qualify for this incentive. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Local Agency Military Base Recovery Act

The Local Agency Military Base Recovery Act (LAMBRA, Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders shall review RFP Attachment 9 to determine if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Disabled Veteran Business Enterprise

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et.seq. The information below explains how the incentive is applied and how much of an incentive will be given.

Incentive Application:

Incentive points are included in the sum of non-cost Points (see "Incentive Amount" below). Incentive points cannot be used to achieve any applicable minimum point requirements. The DVBE incentive is only applied during the bid evaluation process and only to responsive/responsible bidders.

- The DVBE Incentive Program may be used in conjunction with the Small Business preference which gives a 5% preference to small business proposers or 5% to non-small business proposers committed to subcontracting 25% of the overall bid with small businesses.

Incentive Amount:

Award Based on High Score for RFP:

Proposed DVBE Participation Level	DVBE Incentive % Point Preference	DVBE Incentive Points
3% - 4.99%	1%	4
5%+	2%	8

EVALUATION CRITERIA

The following criteria will be used for evaluating proposals submitted in response to this RFP. Details on proposal requirements for each of these evaluation criteria are included in Section III:

VII. EVALUATION PROCESS AND CRITERIA CONTINUED

EVALUATION CRITERIA				
1. Program Design (excluding Cost components)	Weight Factors	X	Max. Points (1-10)	Weighted Score
a. Sustainability/Lasting Changes in the Market	2			
b. Regional Approach	2			
c. Quality Assurance	1			
d. Conformance with California Law	1			
e. Collaboration with National and State Programs	2			
f. Targeting Economically Disadvantaged Areas	2			
g. Verification of Energy Savings	1			
h. Participant Recruitment and Program Communication	2			
i. Team Organization Structure	1			
2. Workforce Development and Job Creation	3			
3. Energy, Peak Demand and GHG Emission Reductions	3			
4. Time Criticality	1			
5. Program Transparency and Reporting	1			
6. Program Team Qualifications and Experience	2			
7. Statement of Work	4			
Total Technical Score (70%)	28			280
8. Cost Summary	Weight Factors	X	Max. Points (1-10)	Weighted Score
a. Leverage Funding	4			
b. Program Cost-Effectiveness	3			
c. Program Budget	5			
Total Maximum Cost Score (30%)	12			120
Total Maximum Score (Technical & Cost)	40			400
Small Business Preference 5%				
Target Area Contract Performance Act Adjustment				
Enterprise Zone Act Adjustment				
Local Agency Military Base Recovery Act Adjustment				